

# **MANISTEE CITY PLANNING COMMISSION**

Meeting of Thursday, February 6th, 2020

7:00 p.m. - Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan

## **AGENDA**

### **I Call to Order**

Pledge of Allegiance

### **II Roll Call**

### **III Approval of Agenda**

Planning Commission can take action to approve the February 6th, 2020 Agenda.

### **IV Approval of Minutes**

Planning Commission can take action to approve the January 9th, 2020 meeting Minutes.

### **V Public Hearing**

There is no Public Hearing tonight.

### **VI Public Comment on Agenda Related items**

All comments and handouts from the speaker at the podium will go through the Chair, also there will not be any interaction between the podium and audience. If these rules cannot be followed, the Chair can terminate this portion of the meeting.

### **VII New Business**

- Economic Development Presentation – Marc Miller, Economic Development Director: Manistee Area Chamber of Commerce

### **VIII Old Business**

There is no Old Business tonight.

### **IX Public Comments and Communications**

At this time the Chair will ask if there are any public comments.

### **X Correspondence**

At this time the Chair will ask if any correspondence has been received to be read into the record.

### **XI Staff Reports**

- Short-Term Rental Ordinance Review/Recommendations
- Sign Ordinance Update Review

### **XII Members Discussion**

At this time the Chair will ask members of the Planning Commission if they have any items they want to discuss.

### **XIII Adjournment**

**CITY OF MANISTEE PLANNING COMMISSION**

70 Maple Street  
Manistee, MI 49660

**MEETING MINUTES**

January 9, 2020

A meeting of the Manistee City Planning Commission was held on Thursday, January 9, 2020 at 7 pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Meeting was called to order at 7:00 pm by Chair Wittlieff followed by the Pledge of Allegiance.

**ROLL CALL**

Members Present: Bob Slawinski, Michael Szymanski, Pamela Weiner, Marlene McBride, Roger Yoder and Mark Wittlieff

Members Absent: Rochelle Thomas

Others: Kyle Storey (City Zoning Administrator), Rob Carson (County Planner) and Nancy Baker (Recording Secretary)

**APPROVAL OF AGENDA**

Mr. Storey amended the agenda under New Business, West Shore Community College Presentation should be Monroe Cottage Presentation.

Motion by Commissioner Szymanski, second by Commissioner Yoder to approve the January 9, 2020 Agenda as amended.

With a Roll Call vote this motion passed 6 to 0.

Yes: Slawinski, Szymanski, Weiner, McBride, Yoder and Wittlieff

No: None

**APPROVAL OF MINUTES**

There were no corrections or additions to the minutes.

Motion by Commissioner Slawinski, seconded by Commissioner Szymanski to approve the December 5, 2019 Planning Commission Meeting minutes as presented.

With a Roll Call vote this motion passed 6 to 0.

Yes: Slawinski, Szymanski, Weiner, McBride, Yoder and Wittlieff

No: None

**PUBLIC HEARING**

None

**PUBLIC COMMENT ON AGENDA RELATED ITEMS**

None

**NEW BUSINESS**

Monroe Cottage Presentation

Kendra Thompson, Architect and Kitty Tuinstra, Oceana Home Partnership/Oceana County Housing presented the Monroe Cottage senior housing project. The Council on Aging has acquired the St. Mary's Church along with its

large parcel of vacant land. Ms. Tuinstra gave a background of the Oceana Home Partnership/Oceana County Housing. Their focus is to bring needed senior housing to the area. This is a non-profit organization. Ms. Thompson presented architect drawings of the single-story duplexes. Each cottage has a 1-bedroom and a 2-bedroom unit. There are 23 cottages; 46 units (duplexes) total; 23 are 1-bedroom and 23 are 2-bedroom. They are handicapped ready or handicap adaptable. The buildings are at ground-level with no stairs to maneuver. Each has a 1-car garage space with a washer, dryer and dishwasher. The rent is on an income range. Sidewalks will connect cottages to the Senior Center and each other. One occupant in the unit must be 55 and up. Projected timeline: receive city support, receive city approval and work through the process, break ground fall 2020, with a 2-year completion project goal. Transportation to assist residents with grocery shopping and appointments, leasing of the property, tax role, renting or buying a unit were other development aspects that were reviewed. A public hearing for the Monroe Cottage project will potentially occur February 20<sup>th</sup>, 7 pm.

#### **OLD BUSINESS**

None

#### **PUBLIC COMMENTS AND COMMUNICATIONS**

Lynda Beaton, 256 Hughes Street, is in favor of the Monroe Cottage project. She inquired about property the city is attempting to sell that is located by Harbor Village. One lot's issues are the inability to have cost effective water and sewage hookup. She asked that collaborating the Monroe Cottage area and this area for hookup abilities be investigated.

Patty Spencer, Council on Aging Board of Directors member, stated the Monroe Cottage project and its potential for the Wagner Center is a great thing for the area and the county.

#### **CORRESPONDENCE**

There was no Correspondence.

#### **STAFF**

##### RRC Update

Mr. Storey stated work reports and the recertification report, through the MEDC, will be worked on during the week of the 13<sup>th</sup>. Marc Miller, Chamber of Commerce, is working on evaluating different RRC sites. This process will be used to survey different boards, compile data and then hold a joint meeting for compiling the different redevelopment sites for recertification.

##### City DDA meeting

Mr. Storey and Mr. Szokola attended the DDA meeting and discussed the need for lower story dwellings on the back half of a building and the language of C-1 ordinance. The DDA supported this with the approval for the department to move forward.

##### ZBA recommendation sign ordinance update

Mr. Storey reviewed the sign ordinance presentation document.

The presentation mentioned:

- Grandfathering
- Sunset dates with possible setting by the Planning Commission and City Council, not staff
- Possible tax credit of sign replacement
- Historical value signs
- An appeals process clause

##### Short term rental presentation

Mr. Storey stated Onokama Township has recently put into effect a short-term rental ordinance.

Mr. Szokola compiled a presentation which was reviewed by Mr. Storey.

Points outlined:

Different types of rental properties; addressing rental issues; websites offering rentals; the rise in demand; pros and cons; revenue increase; policies; options; licensing; management plan; fees; penalties.

#### Election of Officers

##### **Chair:**

Mark Wittlieff turned the meeting over to Kyle Storey during the election of the 2020 Chair.

Commissioner Szymanski nominated Commissioner Wittlieff for Chair. Commissioner Slawinski supported this nomination.

Roll Call vote.

For Mark Wittlieff: Slawinski, Szymanski, Weiner, McBride, Yoder and Wittlieff  
Commissioner Wittlieff is the Planning Commission Chair for 2020.

##### **Vice Chair:**

Kyle Storey turned the meeting over to Chair Wittlieff to continue with the election of officers.

Commissioner McBride nominated Commissioner Szymanski for Vice Chair.  
Commissioner Szymanski nominated Commissioner Slawinski for Vice Chair

Roll Call vote.

For Bob Slawinski: Slawinski, Szymanski, Weiner, Yoder and Wittlieff  
For Mick Szymanski: McBride  
Commissioner Slawinski is the Planning Commission Vice Chair for 2020.

##### **Secretary:**

Commissioner Slawinski nominated Commissioner McBride for Secretary.

Roll Call vote.

For Marlene McBride: Slawinski, Szymanski, Weiner, McBride, Yoder and Wittlieff  
Commissioner McBride is the Planning Commission Secretary for 2020.

##### **Appointment of Recording Secretary:**

Marlene McBride appointed Nancy Baker for 2020 Recording Secretary.

#### By-Laws Review

Motion by Commissioner Szymanski, seconded by Commissioner Slawinski to accept the City of Manistee Planning Commission By-laws as written.

With a Roll Call vote this motion passed 6 to 0.

Yes: Slawinski, Szymanski, Weiner, McBride, Yoder and Wittlieff  
No: None

#### **MEMBERS DISCUSSION**

Commissioner Slawinski will be unable to attend the Citizen Planner webinar. He will view this at his discretion. Commissioner Szymanski will be unable to view the webinar. He will view this at his discretion. He inquired about the housing presentation from Beckett & Raeder on a prioritized list from them. Mr. Carson stated they will not be presenting this information. He suggested the list be prioritized by the Planning Commission and they may want to look at special use conditions. He stated Marc Miller is working on the redevelopment district. The community will be broken down by parcel size, key street segments etc. and a map will be produced from this information. An

enterprise zone will require a staff person to administer this program as this position has a large workload and staff cannot take this on. A housing position is being sought.

Commissioner Weiner spoke on Benzie townships that are requiring short term rental permits which they are regulating how many people will be allowed in the rental units. She inquired about the ability to amend by-laws if needed. Mr. Carson stated by-laws can be amended at any time in the year.

Commissioner McBride stated short-term rentals should be investigated which are already occurring within the city. Mr. Carson suggested asking full-time residents for feedback on rentals that may be around their area and if they are experiencing any issues and what those issues may be.

Chair Wittlieff inquired about the storage unit gate on 12<sup>th</sup> Street, temporary city structures and the mining operation on 12<sup>th</sup> Street. Mr. Storey stated the owners of the storage unit are having issues with the gate company and are seeking help from another source, temporary city structures are an ongoing project and the soil erosion permit for 12<sup>th</sup> Street mining will be checked into.

#### **ADJOURNMENT**

Motion by Commissioner Yoder, seconded by Commissioner Szymanski, that the meeting be adjourned.

MOTION PASSED UNANIMOUSLY. Meeting adjourned at 8:50 pm.

The next regular meeting of the Planning Commission will be held on February 6, 2020.

MANISTEE PLANNING COMMISSION

  
Nancy Baker, Recording Secretary



**PLANNING DEPARTMENT**  
**Kyle Storey**  
**Zoning Administrator**  
**395 Third St. Manistee, Michigan 49660**  
(231) 398-3576  
Fax (231) 398-3526  
kstorey@manisteecountymi.gov

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Date: 1/30/2020

To: City of Manistee Planning Commission

From: Kyle Storey – County Planner/City Zoning Administrator

Subject: Short-Term Rental Ordinance

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Dear Commissioners,

The discussion of housing issues in the City is a serious concern as defined by different Housing studies by Housing North and Beckett and Raeder. It's definitive that the lack of available houses on the market are burdensome to individuals looking for long term housing solutions in the City. The Planning Department has taken the cue to concoct a document to help direct some initiative towards the situation.

To that end; a sample Short-Term Rental Ordinance has been drafted to address this issue and start the conversation towards housing regulation. This will be helpful in bringing long term housing solutions to the community. Please find a DRAFT Short-Term Rental Ordinance following this memo for your review.

Review it at your convenience and come with any questions, comments, and suggestions to the February 6<sup>th</sup>, 2020 Planning Commission meeting.

Thank you,

A handwritten signature in black ink, appearing to be 'KStorey'.

Kyle Storey  
Manistee County Planner  
City of Manistee Zoning Administrator

**STATE OF MICHIGAN**  
**COUNTY OF MANISTEE**  
**CITY OF MANISTEE**  
**SHORT-TERM RENTAL ORDINANCE DRAFT**

ORDINANCE # XX-XXXXX

AN ORDINANCE TO REGULATE SHORT-TERM RENTAL OF RESIDENTIAL PROPERTY WITHIN CITY OF MANISTEE AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF THE CITY OF MANISTEE ORDAINS:

**Section 1 – PURPOSE**

The City of Manistee Council finds and declares as follows:

- A. Like many other lakefront communities in Northwest Michigan, City of Manistee (“City”) wishes to reconcile the many different land use interests and concerns that are involved in the short-term rental of single-family residential properties.
- B. Short-term rentals can provide a community, and even a state-wide benefit, by expanding the number and type of lodging facilities available near the lakeshores and other recreational features, and they can assist owners of homes by providing revenue which may be used for maintenance upgrades and deferred costs.
- C. However, short-term rental of single-family dwellings can also cause difficulty where the character of the use takes on a more transitory and commercial character akin to a motel or similar use.
- D. It is with these findings and rulings in mind, that it is the intention of the City that, to the extent that the short-term rental of single family homes is permitted in the City, that such rental occur in a manner that remains consistent with the single family character of the residences and neighborhoods where they are located.
- E. For the foregoing reasons, the purpose of the following regulations is to make the short-term rental activity permitted by this ordinance by resident owners and lessees resemble the existing and traditional single-family residential uses. The regulations are intended to be strictly construed and vigorously enforced with this goal in mind.

**Section 2 – DEFINITIONS**

Bedroom - A separate room that is used or intended to be used specifically for sleeping 2 purposes, having a door for ingress and egress and a Code approved egress window. A bedroom must be a habitable space of not less than seventy (70) square feet of floor area for single habitation and 50 additional square feet for each additional person, not less than seven (7) feet in one dimension, including height, not located in an attic or basement without egress, meeting all standards in applicable building, residential and fire codes, and not a room by design intended to serve another purpose such as a kitchen, dining area, den, family rooms or living rooms.



Capacity - Rental capacity is the number of overnight occupants permitted under the regulations of Section Four (4) this ordinance and as listed on the **Rental Certificate issued by the City of Manistee.**

Rental Certificate – A Short-Term Rental (S.T.R.) certificate duly issued by the City of Manistee.

Dwelling Unit - A structure designed for single family habitation, located within a building and forming a single habitable unit having facilities which are used or intended to be used for sleeping, cooking, eating, and bathing purposes. Parking Space – For purposes of this ordinance, a parking space shall be a minimum of 9 feet by 20 feet, located off-street, outside of a road right of way, and in one of the following locations:

- i. - in a garage or carport
- ii. - within a paved or gravel driveway
- iii. - within a paved or gravel parking pad

Local Contact Person. A local property manager, owner, or agent or caretaker of the owner, who is available to respond to tenant and neighborhood questions or concern, or any agent of the owner authorized by the owner to take remedial action and respond to any violation of this ordinance.

Occupant: Any person who is an overnight guest in the short-term rental, including the renter, with the exception noted in Section 4 - D. of this ordinance, and does not include guests of the occupant or renter who are visiting between the hours of 7:00 am and 11:00 pm.

Short-Term Rental – Rental of a Dwelling Unit for overnight occupancy for a period less than 30 days.

Special Events – In association with a short-term rental, a wedding, outdoor party, family reunion, bachelor or bachelorette parties, or similar gathering or activity that exceeds the maximum number of occupants allowed under the short-term rental certificate.

### Section 3 – APPLICABILITY

- A. This ordinance applies to all residential Dwelling Units in the City of Manistee and owners of those dwellings wherein the dwelling is rented for a period of less than 30 days. No short-term rental may occur in the City unless in conformity with the provisions of this ordinance.

## **Section 3 – SHORT-TERM RENTAL OWNER REQUIREMENTS**

Certificate Required. A certificate is required prior to the rental of any dwelling for a period of less than 30 days.

A. A certificate issued by the City shall be valid for a period of 3 years unless revoked for cause or until the dwelling is sold.

- 1. A certificate will be issued within 15 days of receipt of a complete and approved application.
- 2. The certificate shall indicate the maximum number of occupants that can be accommodated at the rental in accordance with the standards listed in Section Four (4)



3. A certificate and certificate holder shall be subject to all the standards and penalties of this Ordinance.

B. Application. An application provided by the City for a short-term rental certificate shall include the following at a minimum:

1. Address of property
2. Property owner name(s).
3. Signature of property owner(s) and Local Contact Person.
4. Number of Bedrooms in the Dwelling Unit and the rated capacity as delineated in Section Four (4).
5. Number of parking spaces as defined under Section Two (2).
6. Sketch of the property indicating location of the dwelling, driveway or other point of access, and designated parking spaces meeting the definition of a parking space under Section Two (2).
7. Contact information including: name, address, and 24-hour contact phone number for the owner of the property and the Local Contact Person. This shall be posted in a prominent place on the property and clearly visible from the street bordering the rental property. This information must be kept up to date in the City's records.
8. It is the certificate holder's responsibility to inform the City of any change in caretaker or contact information for the certificate holder or caretaker.
9. The number of bedrooms shall be as certified by the applicant, based on the definitions found in in this ordinance.
10. Local Contact Person: A. Each owner of a short-term rental must designate a local contact person who has access and authority to assume management of the unit and take remedial measures. B. The local contact person must be available twenty-four (24) hours a day during the rental period and be within forty-five (45) minutes travel time of the property (or portion thereof) used for a short-term rental. C. An owner meeting the requirements of subsections (A) through (C) above may designate themselves as the local contact person.
11. Certificate Number. The unique short-term rental certificate number issued by the City shall be included in any advertisement for the rental unit as shall the approved, certified rated capacity of the rental unit.
12. It is the certificate holder's responsibility to inform the City of any change in caretaker or contact information for the certificate holder or caretaker.
13. The certificate number shall be posted on the mailbox for the rental or in a location clearly visible from the street or road serving the property.
14. Unless connected to a public sewer system, the owner of the dwelling shall ensure that a properly sized and functioning septic system is maintained. Failure or operational deficiency of the of the sewage waste disposal system shall be grounds for immediate revocation of the

Certificate authorizing short-term rental of the dwelling. Porta-Jons and similar methods of handling waste are prohibited on S.T.R. properties.

C. Certificate (Showing capacity)

The certificate issued by the City shall indicate the maximum number of renters or overnight occupants.

D. Limits in Short-Term Rentals

Only one (1) dwelling unit per parcel shall be leased, subleased, rented or sub- rented at any given time.

**Section 4 – SHORT TERM RENTAL REGULATIONS PERTAINING TO OCCUPANTS**

A. Parking - Parking for guests in a short-term rental shall only be in identified parking spaces as defined in this ordinance. All parking associated with a short-term rental shall be out of the roadway and entirely on-site, in the garage, driveway or other improved parking area. No on-street parking shall be permitted by renter occupants or included in any calculation of rental capacities in association with a short-term rental.

B. Trash - Refuse and recyclables shall be stored in appropriate containers with tight fitting lids, or bagged and secure in caged enclosures, and shall be regularly picked up weekly by curbside service with a licensed waste hauler.

C. Special Events (a wedding, outdoor party, family reunion, bachelor or bachelorette parties, or similar gathering or activity), are not allowed on the property for more than the number of occupants permitted in the dwelling unit under this ordinance.

D. Capacity Limit. The maximum number of overnight occupants shall be limited as follows: For a dwelling having one bedroom, the maximum number of occupants is four persons. For any dwelling with two or more bedrooms, the maximum number of occupants shall be determined by multiplying the number three (3) times the number of bedrooms. Note: A maximum of four (4) children under the age of thirteen (13) years shall not be counted in the capacity limit of the rental dwelling.

E. No overnight occupant shall be lodged in any portion of the dwelling unit (including Bedrooms) unless there is both a door and an available window providing required emergency egress in conformity with applicable residential, building and fire codes within the immediate sleeping area. Overnight occupants shall not be lodged in either attics or basements.

F. Occupants limited to the Dwelling Unit. Accessory structures, recreational vehicles, motor homes, and travel trailers or tents placed on the rental dwelling parcel shall not be included in any calculation of the claimed rental capacity of any dwelling or parcel. All overnight lodging of occupants is to be exclusively within the Dwelling Unit. Accessory structures, recreational vehicles, motor homes, and travel trailers or tents placed on the property of the Dwelling Unit shall not be used in any manner for overnight occupancy.

G. Noise must be limited to that which does not disturb the quiet, comfort or repose of a reasonable person of normal sensitivities. Quiet hours shall be from 11:00 PM to 8:00 AM. Quiet hours relates to any noise that would prevent sleep within neighboring properties. Short-term rentals shall otherwise comply with the City of Manistee **Noise Ordinances #XXXX.**

H. No fireworks shall be used except in conformance with City of Manistee **Use of Consumer Fireworks Ordinance #XXXX** as amended.

I. Pets shall be secured on the premises or on a leash at all times.

**J. Campfires. Any campfires at a short-term rental property shall:**

1. Be contained within a fire ring or other comparable container and only burn clean dry wood.
2. Be located no less than 10 feet from any structure or any combustible material, be located away from overhanging tree branches, and be located such that the prevailing winds will not deliver smoke to adjacent residences.
3. Be under the direct supervision of an adult at all times.
4. Be fully extinguished prior to leaving the fire.

K. Fire Protection Devices. A minimum of two type ABC fire extinguishers and the minimum number of battery-powered or hard-wired smoke / carbon monoxide / fire alarms as may be required by State law or City regulations, annually tested and certified by the owner as functional, shall be properly installed and placed in Code mandated locations in the rental dwelling.

L. Notice to Occupants. The foregoing regulations shall be provided to the short-term rental occupants as part of the written rental agreement. In addition, a placard in at least 60 point print shall be posted in a prominent place in the Dwelling Unit describing the foregoing regulations, including, but not limited to, the maximum capacity of the Dwelling Unit, the name and contact information for the Local Contact Person, and the location of fire extinguishers, and map showing dwelling exits.

## **Section 5 - SIGNS.**

A short-term rental dwelling unit is permitted an on-site identification sign no larger than two (2) square feet in area.

## **Section 6 – VIOLATIONS AND REVOCATION OF CERTIFICATE**

A. Violations. Any of the following will be considered a violation of this Ordinance:

1. Failure to update information with the City such as the caretaker or owner contact information in a timely manner.
2. Advertising a short-term rental for a capacity in excess of that allowed under the certificate issued by the City.
3. Failure of the certificate holder or his/her designated Local Contact Person to be available at any time during the tenure of an active short-term rental.
4. Providing false or misleading information on the application for a short-term rental certificate.
5. Failure to obtain a short-term rental certificate when operating a short-term rental.
6. Failure to comply with any of the regulations under Section Four (4).

B. Nuisance Per Se - Any certificate holder or caretaker who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101- 600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not less than \$XXX or more than XXXX hundred and 00/100 (\$XXX.00) dollars plus all costs incurred by the City in enforcing the ordinance, including attorney fees.

C. The City shall also have the right to seek an injunctive order to enforce compliance with this Ordinance as part of a municipal civil action enforcement action per City ordinance #XXXX. Each day that this Ordinance is violated shall be considered a separate violation.

D. A short-term rental certificate may be revoked following two separate violations on the same property under the same ownership within any single calendar year. The property owner may reapply for a certificate the following calendar year and receive a short-term rental certificate if all violations have been resolved.

### **Section 7. - ENFORCEMENT OFFICIAL.**

The City ordinance enforcement officer, City Zoning Administrator, any police officer, or any person officially authorized by the City of Manistee Board are hereby designated as authorized officials empowered to issue municipal civil infraction citations to alleged violators of this Ordinance.

### **Section 8. - ENFORCEMENT PROCEDURE**

A. When the City becomes aware of a violation of this Ordinance, the City shall send a written notice to the property owner and/or Local Contact Person of the property in violation.

B. The notice shall describe the location of the property, describe the nature of the violation and the specific provisions of this Ordinance being violated, give the owner and/or caretaker of the property no less than seven (7) days to eliminate the violation without intervention by the City.

C. If the owner and/or Local Contact Person of any property on which a violation of this Ordinance exists fails to eliminate the violation within seven (7) days after service of the written notice from the City, the owner or Local Contact Person shall be cited for a municipal civil infraction and subject of a fine of \$XXX to \$XXX (see City of Manistee Enforcement ordinance ##???), recovery of all costs, including attorney fees, incurred by the City related to enforcement of the violation, and revocation of the owner's Rental Certificate.

D. Tenants of the rental dwelling and / or visiting guests may be separately cited for violations of any ordinance or law, such as excessive noise (ordinance ##???), illegal use of fireworks (ordinance ##???) and / or for violation of any other ordinance or law regulating personal behavior.

### **Section 9. - CIRCUIT COURT CIVIL ACTION**

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the City may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance by injunctive relief.

### **Section 10. - VALIDITY.**

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

### **Section 11. - EFFECTIVE DATE - This ordinance effective on Month XX, 2020.**

On this xx day of Month, 2020, a Motion was offered by XXXX, supported by XXXX to approve the Short-Term Rental Police Power Ordinance number ##??? as stated by a Roll Call Vote.

Votes in Favor:

Votes Against:

Motion is declared PASSED OR FAILED.

### **CERTIFICATION**

I certify that this Short-Term Rental Ordinance was adopted by the Manistee City Council, Michigan at a regular meeting held on XXXXXX XX, 2020.

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XXXXXX XXXXXX, Clerk



**PLANNING DEPARTMENT**  
**Kyle Storey**  
**Zoning Administrator**  
**395 Third St. Manistee, Michigan 49660**  
(231) 398-3576  
Fax (231) 398-3526  
kstorey@manisteecountymi.gov

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Date: 1/30/2020

To: City of Manistee Planning Commission

From: Kyle Storey – County Planner/City Zoning Administrator

Subject: Sign Ordinance DRAFT Version 1

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Dear Commissioners,

The current sign ordinance for the City of Manistee has been determined to be difficult to understand and interpret by the City Zoning Administrator and other individuals affected by signage issues and projects. Upon Departmental research into the topic of interest; a sample ordinance from a similar Up-North Lower Michigan community has been found. The community was contacted and approved Departmental usage of this document and subsequent wording/graphics. The adequacy of this document is something the Department feels that the City would benefit from if in place for our community.

To that end; the sample sign ordinance follows this memo as well as the City's current sign ordinance. Further, the sign permit application is included for your information and review.

Please review at your convenience and come with any questions, comments, and suggestions to the February 6<sup>th</sup>, 2020 Planning Commission meeting. Consider all of these documents a starting point in tackling the robust complexities of an ordinance of this nature.

Thank you,

A handwritten signature in blue ink, appearing to read 'KStorey', written over a white rectangular area.

Kyle Storey  
Manistee County Planner  
City of Manistee Zoning Administrator



**PLANNING DEPARTMENT**  
**Kyle Storey**  
**Zoning Administrator**  
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Date: 1/30/2020

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Kyle Storey  
Manistee County Planner  
City of Manistee Zoning Administrator



## **ARTICLE TWENTY-ONE SIGNS**

[ANNOTATION: Article 21 Signs was repealed and replaced by Amendment Z17-06, effective 6/16/17]

### **SECTION 2100      PURPOSE**

Regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities in the City of Manistee, to improve pedestrian and vehicular safety, and to promote and preserve the general attractiveness of the community. Accordingly, it is the intention of this Ordinance to establish regulations governing the display of signs that will:

- A. Encourage and protect the public health, safety, welfare and convenience;
- B. Enhance the economy and the business and industry of the City by promoting the reasonable, orderly, and effective display of signs, and thereby encourage improved communication with the public;
- C. Restrict signs and lights which overload the public's capacity to receive information, which increase the probability of traffic congestion and accidents by distracting attention or obstructing vision, and which are deemed to detract from the aesthetics of the community; and
- D. Reduce conflict between signs and their illumination and public and private land uses.

### **SECTION 2101      PROCEDURES**

- A. Sign Permit Application. The Zoning Administrator may approve sign permit applications. Applications require a fee, as determined by City Council.
  - 1. The Historic District Commission may approve exceptions to this Article 21.
  - 2. The City Council may approve exceptions to this Article 21 for community events.
- B. Inspection and Compliance. The Administrator shall inspect each sign for which a permit is issued. If the sign is in full compliance with this Ordinance the Administrator shall issue a Certificate of Compliance. If the construction is not in full compliance with this Ordinance the Administrator shall give the applicant notice of the deficiencies. If the deficiencies have been corrected upon re-inspection, the Administrator shall issue a certificate of compliance. If the deficiencies are not corrected within thirty (30) days, the permit shall be revoked and the sign shall be removed at the expense of the applicant.
- C. Permit Lapse. A sign permit shall lapse once the purpose of the sign has ended the sign and supporting structure shall be removed within 180 calendar days. A sign whose permit has lapsed shall be removed by the owner within thirty (30) days of receipt of notice to remove from the City.
- D. Permit Assignment. A sign permit shall be assignable to the successor of a business on the same parcel, except where the proposed sign is materially or substantially different in any way to the sign which was permitted. The Administrator shall make this determination.

## **SECTION 2102 GENERAL STANDARDS**

A. Computations. The following standards shall be met when calculating the area and height of a sign.

1. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display.
2. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point.
3. The height of the uppermost portions of pole signs shall not exceed twenty (25) feet. The height of the uppermost portions of ground signs shall not exceed eight (8) feet in all districts except the GI district, where the uppermost portions of such signs shall not exceed twelve (12) feet. The uppermost portions of wall, marquee and projecting signs shall not project higher the roofline of the structure to which it is attached.
4. Where a sign projects or protrudes over any public or private sidewalk or walkway the bottommost point of the sign structure shall be at least eight (8) feet from said walkway. Area of Signs (marquee, suspended and wall).
  - a. For properties fronting on US 31 in the G-C, P-D, C-1, C-2, C-3 and W-F districts or properties with a minimum of 10,000 sq. ft. of parcel area that front on a Key Street Segment in the R-2 Zoning District, marquee, suspended and wall signs shall be permitted and the maximum cumulative sign area permitted expressed in square feet shall be not more than 1.5 times the principal building width, measured from corner to corner, facing the public right-of-way or 50 square feet for each storefront, whichever is greater.
  - b. For properties that do not front on US 31 in the P-D, C-1, C-2, C-3 and WF districts or properties with a minimum of 10,000 sq. ft. of parcel area that front on a Key Street Segment in the R-2 and R-3 Zoning Districts, marquee, suspended and wall signs shall be permitted and the maximum cumulative sign area permitted expressed in square feet shall not be more than 1.5 times the principal building width, measured from corner to corner, facing the public right-of-way, or fifty (50) square feet for each storefront, whichever is greater.
  - c. For properties with water frontage in the R-3 P-D, C-2, C-3 and WF marquee, suspended and wall signs shall be permitted on the water front side and the maximum cumulative sign area permitted expressed in square feet shall not be more than .75 times the principal building width, measured from corner to corner, facing the public right-of-way, or twenty-five (25) square feet, for each storefront whichever is greater. Each boat slip will be permitted a sign not to exceed twenty-five (25) square feet.
  - d. Allocation of Signage. Signage may be transferred to a side of the building where signage is not allocated.

- B. Illuminated Signs: Sources of Illumination shall not flash on and off or change color or intensity. Exceptions include:
1. Halo signs, where lighting is behind the lettering and the source of the illumination is not seen by a direct line of sight.
  2. Electronic changeable message displays (any sign that uses electronic means within a display area to cause one message or display to be replaced by another, movable display or video) shall be limited to:
    - a. One contiguous dynamic element on the face of the sign at a time.
    - b. A dynamic element that does not change more than once every 15 minutes, and changes are instantaneous without any special effects.
    - c. Static images and messages.
    - d. Only that brightness that is necessary for clear and adequate visibility.
    - e. Intensity or brilliance that does not impair the vision of a motor vehicle driver.All illuminated signs, including, halo, and electronic changeable message displays, shall be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions, or turns the illumination off during daylight hours. Externally illuminated signs shall be lit by use of a light shining downward onto the sign. The source of the light shall be baffled so it is not visible beyond the property line.
- C. The Historic District Commissions: Signs and the illumination of signs in the Historic District Commission require requires Historic District Commission approval.
- D. Substitution: Sign messages may be changed at any time. Any change of the structure or size of a sign, or structure the sign is mounted on requires approval under this Ordinance for purposes of compliance with this Ordinance.
- E. Setbacks. All signs shall be setback at least four (4) feet from the public right-of-way to the front of the sign structure, provided clear vision can be maintained, pursuant to Section 513.
- F. Billboards. Refer to Section 1814.
- G. Covering. Covering around a pole shall be limited-to a width of not more than thirty (30) percent of the width of the sign face. Signage or copy shall not be permitted on pole coverings.

## **SECTION 2103 EXEMPT SIGNS**

The following signs shall be exempt from regulations in this Article.

- A. Any public notice, traffic control or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
- B. Any sign wholly located within a building including window signs. Except signs in the Historic District that require Historic District Commission approval
- C. Flags up to twenty-four (24) square feet in area.

- D. Signs posted by a governmental agency or on their behalf by an authorized contractor.
- E. Portable signs shall be permitted in the R-2, R-3 for properties with a minimum of 10,000 sq. ft. of area that front on a Key Street Segment, G-C, W-F, and C-1 districts subject to a determination by the Zoning Administrator that its placement will not impact safety or visibility for motorists and pedestrians and further limited as follows:
  - 1. 8 square feet per side;
  - 2. One per storefront; and
  - 3. Permitted only during hours of operation of business.
- F. Temporary Signs on the property during construction, maintenance or improvements and relating to construction, maintenance or improvements on the property during the period of time of work.

#### **SECTION 2104            PROHIBITED SIGNS**

The following signs shall not be allowed in any district.

- A. Signs which are illegal under State laws or regulations and applicable local ordinances or regulations, and which are not consistent with the standards in this Ordinance.
- B. Signs that are not clean and in good repair, not securely affixed to a supporting structure, and signs that are out of compliance with applicable building and electrical codes.
- C. Off-Premise Signs. Except as provided in Section 1814 of this Ordinance.
- D. Signs that are not official traffic signs that appear to or attempt to regulate, warn, or direct the movement of traffic.
- E. Signs located in, projecting into or overhanging within a public right-of-way or dedicated public easement, except the following:
  - 1. Signs posted by a governmental agency, transit company, public utility, or construction related signs placed by a contractor doing authorized or permitted work within the right-of-way.
  - 2. Projecting, marquee, and suspended signs projecting over a public right-of-way as permitted and regulated in the P-D, C-2 and C-3 districts.
  - 3. Banners that have been approved by the City Council.
- F. Portable signs shall be permitted in the P-D, C-2 and C-3 districts subject to a determination by the Zoning Administrator that said placement will not impact safety or visibility for motorists and pedestrians and provided clear vision can be maintained, pursuant to Section 513 and further limited as follows:
  - 1. 8 square feet per side;
  - 2. One per storefront; and
  - 3. Permitted only during hours of operation of business.

**SECTION 2105 SIGN REGULATION TABLE**

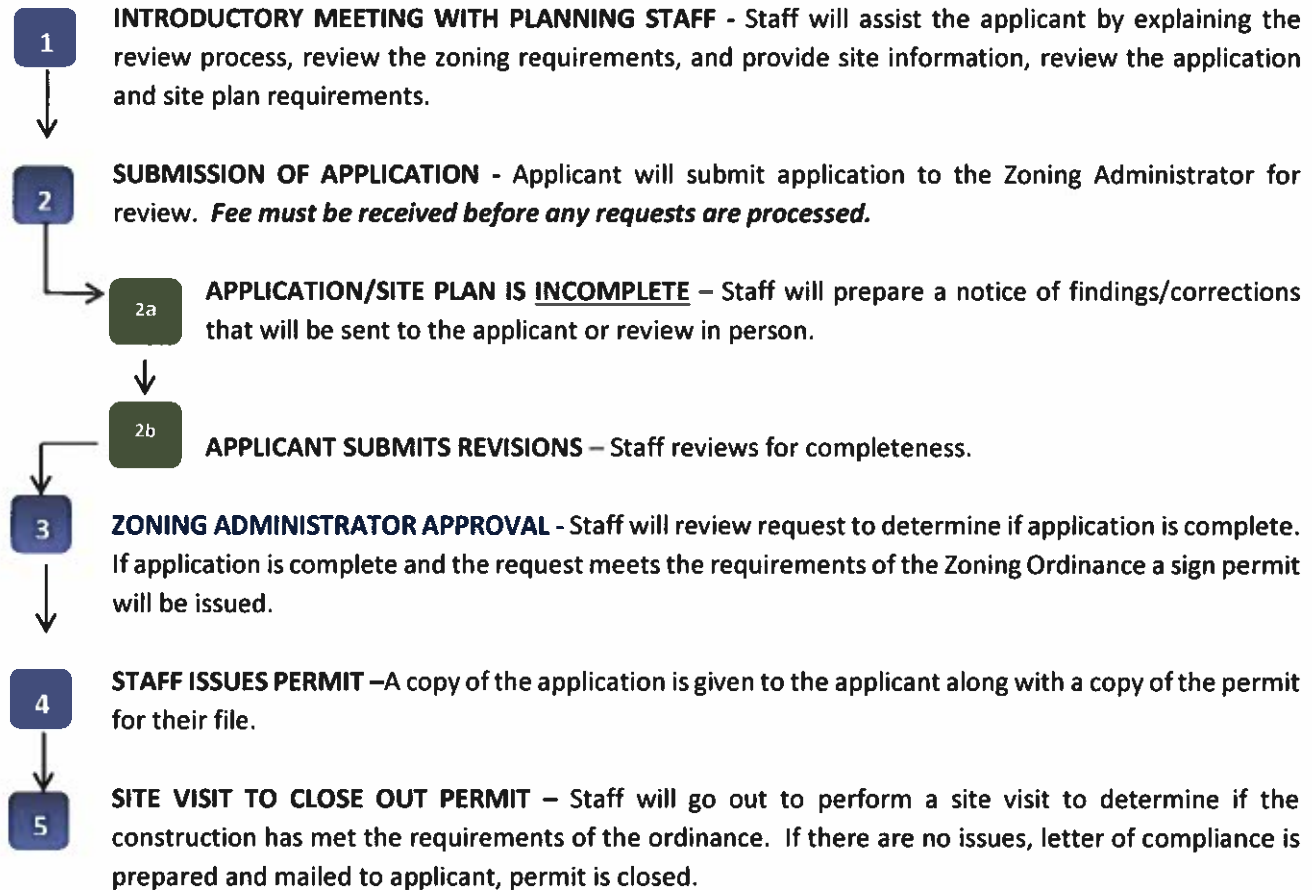
<b>Zoning Districts</b>	<b>Permitted Sign Types</b>	<b>Max. # of Signs Allowed</b>	<b>Max, Total sign Area Allowed</b>
G-C	Ground	1 ( for each 600 feet of frontage)	32 Sq. Ft. (limited to 8 feet in height)
	Marquee, Suspended, Wall	n/a	50 square feet or 1.5 x of principal building width whichever is greater
	Projecting	1	One per storefront no greater than 48 Sq. Ft.
	Portable	1 ( no permit needed)	8 Sq. Ft. (only during hours of operation)
R-1, R-2, R-3, & R-4	Ground, Marquee, Projecting, Suspended, Wall	n/a	16 Sq. Ft. (Ground signs limited to 8 feet in height)
<b>Properties with frontage on US 31 or properties with a minimum of 10, 000 sq. ft. of parcel area that front on a Key Street Segment in the R-2 Zoning District</b>			
R-2, P-D, C-1, C-2, C-3, & W-F	Ground, Pole	1	80 Sq. Ft. (Ground signs limited to 8 feet in height)
	Marquee, Suspended, Wall	n/a	50 square feet or 1.5 x of principal building width whichever is greater
	Projecting	1	One per storefront no greater than 48 Sq. Ft.
	Portable	1 ( no permit needed)	8 Sq. Ft. (only during hours of operation)
<b>Properties not fronting on US 31 or properties with a minimum of 10, 000 sq. ft. of parcel area that front on a Key Street Segment in the R-2 &amp; R-3 Zoning Districts Internally lit signs are prohibited in the Historic District</b>			
R-2 & R-3, P-D, C-2, C-3, & WF	Ground	1	16 Sq. Ft. (limited to 8 feet in height)
	Marquee, Suspended, Wall	n/a	50 square feet or 1.5 x of principal building width whichever is greater
	Projecting	1	One per storefront no greater than 16 Sq. Ft.
	Portable	1 ( no permit needed)	8 Sq. Ft. (only during hours of operation)
<b>Properties with water frontage Lighting of ground mounts signs on the riverwalk is prohibited</b>			
R-3, P-D, C-2, C-3 & W-F	Ground	1	16 Sq. Ft. (limited to 8 feet in height)
	Marquee, Suspended, Wall	n/a	25 Sq. Ft. or .75 x of principal building width Each boat slip will be permitted (1) one sign not to exceed 25 square feet.
	Projecting	1	16 sq. ft.
	Portable	1 (no permit needed)	8 Sq. Ft. (only during hours of operation)
<b>Industrial Properties</b>			
L-I & G-I	Ground	1 (for each 600 feet of frontage)	64 sq. ft. (limited to 12 feet in height)
	Marquee, Suspended, Wall	n/a	64 Sq. Ft. (For parcels on corner lots an additional 64 sq. ft. of signage will be permitted)
	Projecting	1	48 Sq. Ft.

All signs shall be setback at least four (4) feet from the public right-of-way to the front of the sign structure, provided clear vision can be maintained, pursuant to Section 513.

Where a sign projects or protrudes over any public or private sidewalk or walkway the bottommost point of the sign structure shall be at least eight (8) feet from said walkway.



## Sign Permit Requests Planning and Zoning Department A Step-By-Step Guide



If there are issues, staff will work with the applicant to see corrections are made and the requirements of the ordinance are met.

Sign permit standards are found in [Article 21](#)

Sign permit definitions are found in [Section 220 S](#)

Signs in the Historic District require a [certificate of appropriateness for signage](#); with approval from the Museum Director/Curator (including window signs that do not require a sign permit)

If there is signage on an awning it is considered a sign

Signs that project into the right-of-way (projecting signs, in C-2 & C-3), or awnings over the right-of-way require a building permit. Applicant is to contact the [Building Inspector](#).



Planning & Zoning  
395 Third Street  
Manistee, MI 49660  
231.723.6041 (phone)  
231.398.3526 (fax)

## Sign Permit Application

Please Print

Property Information			
Address:		Parcel #	
Applicant Information			
Name of Owner or Lessee:			
Address:			
Phone #:	Cell#:	e-mail:	
Name of Contractor (if applicable):			
Address:			
Phone #:	Cell#:	e-mail:	
License Number:		Expiration Date:	
Project Information – check all that apply			
<input type="checkbox"/> New	<input type="checkbox"/> Repair	<input type="checkbox"/> Replacement	
Type of Sign – check all that apply			
<input type="checkbox"/> Ground Mount	<input type="checkbox"/> *Marquee <small>(Includes awning/canopy)</small>	<input type="checkbox"/> *Pole <small>(Only allowed on US 31)</small>	<input type="checkbox"/> Portable
<input type="checkbox"/> *Projecting	<input type="checkbox"/> *Suspended	<input type="checkbox"/> Wall	* Requires Building Permit
Illumination – check all that apply			
<input type="checkbox"/> Internal <small>Requires Electrical Permit</small>	<input type="checkbox"/> External	<input type="checkbox"/> Non-Illuminated	
Building Dimensions			
Front:	Side:	Side:	Rear:
Sign Information			
Sign Area: <small>[In Square Feet]</small>	Sign Height: <small>[grade to top of sign]</small> <small>Only Applies to Ground Mount and Pole Signs</small>	Grade Clearance: <small>Only Applies to Ground Mount Marquee, Pole, Projecting and Suspended Sign</small>	
Authorization			
<p><i>I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent, and we agree to conform to all applicable laws of the State of Michigan. All information submitted on this application is accurate to the best of my knowledge.</i></p>			
Applicant Signature: _____		Date: _____	
<p>By signing the application the Applicant and Owner agree to comply with the requirements of Article 21 Signs of the City of Manistee Zoning Ordinance. <input type="checkbox"/> Sign Plan for project attached (permit cannot be issued without plan)</p>			
Office Use Only			
Fee: <input type="checkbox"/> \$50.00		Receipt #	
Zoning District:	Notes:		
Signature: _____		Date: _____	



### Sign Plan Requirements

A plan, at a scale determined by the Administrator to be reasonable, illustrating the following elements of the proposed or modified signage:

<input type="checkbox"/> Included	1. Sign type, per the definitions in <b>Section 220</b> ;
<input type="checkbox"/> Included	2. Dimensional characteristics, such as height, width, vertical clearances, and area;
<input type="checkbox"/> Included	3. Colors, materials, appearance, and lighting of the signage;
<input type="checkbox"/> Included	4. Relationship with buildings or structures;
<input type="checkbox"/> Included	5. Setbacks from buildings, landscaping, driveways, and rights-of-way; and,
<input type="checkbox"/> Included	6. Locations of any existing signage in the subject development or on the subject parcel. The site plan shall also include proposed and existing signage not requiring a permit.

### Zoning Requirements

**Permit Lapse.** A sign permit shall lapse if the business activity on the premises is discontinued for a period of six (6) months, unless the business is a seasonal activity, in which case, the sign permit shall lapse if the business activity is discontinued through one (1) normal business season. A sign whose permit has lapsed shall be removed by the owner within thirty (30) days of receipt of notice to remove from the City. If the event the owner fails to remove a sign in accord with such an order, the sign may be removed by the City, at the owner's expense, without notice or action from the City. The City shall reserve the right to place a lien on the property on which the sign exists to recover any expense associated with sign removal.

**Permit Assignment.** A sign permit shall be assignable to the successor of a business on the same parcel, except where the proposed sign is materially or substantially different in any way to the sign which was permitted. The Administrator shall make this determination.

*The complete set of Zoning Requirements for Signs can be found in the City of Manistee Zoning Ordinance Article 21 Signs.*



# **SAMPLE SIGN ORDINANCE**

## **ARTICLE I. - INTENT AND PURPOSES**

### **Sec 2100 - Purposes.**

#### **CURRENT:**

Regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities in the City of Manistee, to improve pedestrian and vehicular safety, and to promote and preserve the general attractiveness of the community. Accordingly, it is the intention of this Ordinance to establish regulations governing the display of signs that will:

- A. Encourage and protect the public health, safety, welfare and convenience;
- B. Enhance the economy and the business and industry of the City by promoting the reasonable, orderly, and effective display of signs, and thereby encourage improved communication with the public;
- C. Restrict signs and lights which overload the public's capacity to receive information, which increase the probability of traffic congestion and accidents by distracting attention or obstructing vision, and which are deemed to detract from the aesthetics of the community; and
- D. Reduce conflict between signs and their illumination and public and private land uses.

#### **REVIEW BELOW AND ADD SOME POINTS IF DEEMED NECESSARY to SEC 2100**

The city council enacts this sign ordinance for the following purposes:

- (1) To fairly balance the rights of individuals to erect signs and the rights of the general public;
- (2) To promote signs that enhance the landscape quality of the community;
- (3) To protect property values by preventing structures that have a blighting effect on the existing aesthetic character of the city;
- (4) To encourage placement of signs that is consistent with the community's cultural, historical, and natural features;
- (5) To control the number of signs reasonably necessary to identify a business and its products and/or services;
- (6) To maintain signs within a reasonable scale and character relative to the buildings to which they relate;
- (7) To protect neighboring properties and residential areas from lighting trespass, to reduce and direct lighting to maintain the visibility of the northern Michigan night sky, and to avoid encroachment of commercial visual character into residential neighborhoods;
- (8) To prevent visual and physical hazards, obstructions, and distractions to motorists and pedestrians for purposes of public safety;
- (9) To prevent placement of signs that will conceal or obscure adjacent businesses or the signs of adjacent businesses where possible;

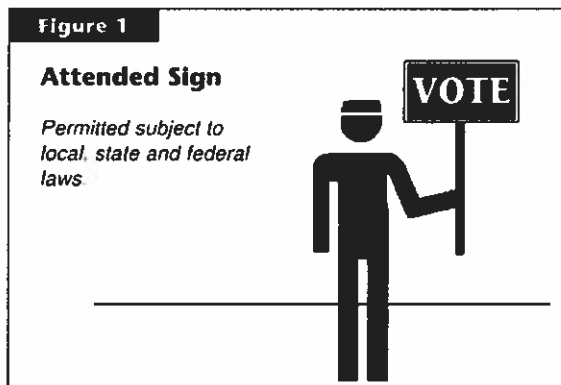
- (10) To prevent confusion between advertising signs and traffic control signs and devices;
- (11) To regulate erection and maintenance of signs that are potentially dangerous to the public due to structural deficiencies, disrepair, decay, or abandonment;
- (12) To promote the community's principal economic base as a resort tourism destination;
- (13) To prevent aesthetic nuisances and visual blight;
- (14) To further the objectives of the city's master plan; and
- (15) To discourage the display of nonconforming signs.

## ARTICLE II. – DEFINITIONS- Doesn't exist for City yet

### Sec. 2101 - Definitions.

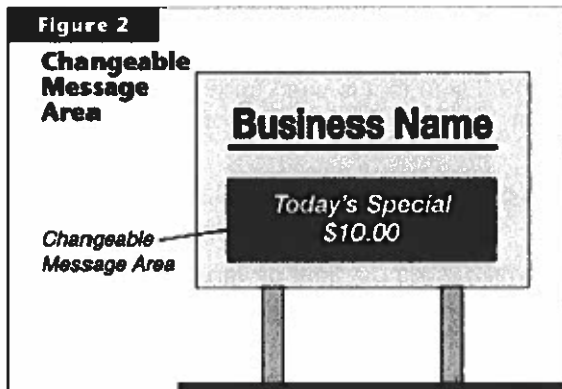
For purposes of this ordinance, the following words shall have the meanings respectively ascribed to them, except where the context clearly indicates a different meaning:

- (1) *Abandoned conforming sign.* A sign pertaining to a business, lessor, owner, product, or activity that has not been available upon the premises where such sign is displayed for a period of one year or longer.
- (2) *Abandoned nonconforming sign.* A sign pertaining to a business, lessor, owner, product, or activity that has not been available upon the premises where such sign is displayed for a period of 90 days or longer.
- (3) *Accessory sign.* An on-premise sign that is on an accessory structure.
- (4) *Accessory structure.* A structure that is incidental to and customarily found in connection with the principal structure of a lot or parcel, such as a shed, garage, refrigeration cooler and/or freezer, or gas pump. Accessory structures do not include natural features, fences, lamps, lamp posts, or freestanding signs.
- (5) *Address sign.* A sign identifying a numerical designation commonly used to indicate the location of a building on a street or right-of-way.
- (6) *Attended sign.* A noncommercial sign that is handheld or carried by a person such as a placard, picket, or poster. (Figure 1)

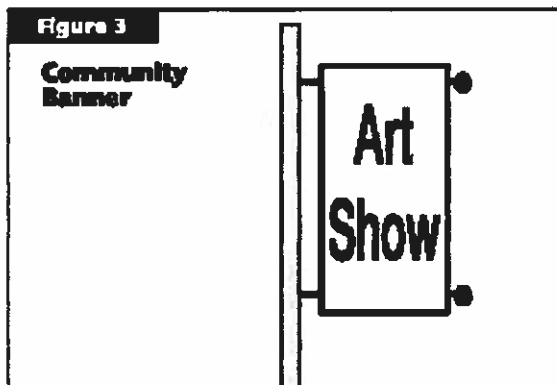


- (7) *Awning.* A fabric-covered, rigid framework shelter attached to a building. Awnings may be fixed or retractable. *Marquee awnings* are those that are supported by ground posts and extend over the entrance to a building.
- (8) *Awning sign.* A sign that is part of or attached to the surface of an awning.

- (9) **Banner.** A sign printed or displayed upon cloth or other flexible material, excepting national, state, or municipal flags.
- (10) **Billboard.** An off-premise sign.
- (11) **Canopy.** A horizontal, roof-like shelter or structure, usually attached to a building that may be suspended, cantilevered, or pole-supported.
- (12) **Canopy sign.** A sign that is part of or attached to the surface of a canopy.
- (13) **Changeable message area.** That portion of a sign that displays characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign. The changeable message area shall be in a subordinate location to the fixed message area and shall not have a white or yellow background. Phosphorescent and the like shall not be permitted. (Figure 2)

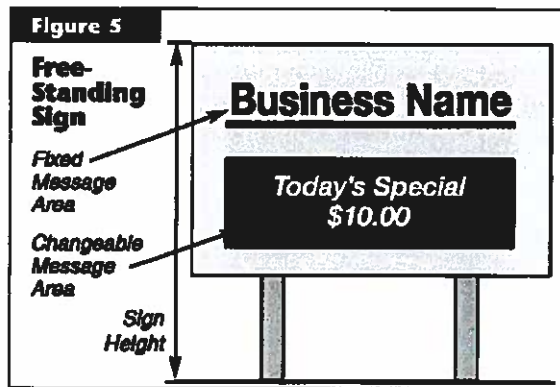


- (14) **Commercial sign.** Any sign that identifies, advertises, or directs attention to a business or is intended to induce the purchase of goods, property, or services.
- (15) **Community banner.** A temporary banner erected over a city right-of-way, with approval by the city, identifying an event sponsored by a nonprofit association or corporation for a charitable, educational, or public purpose. (Figure 3)



- (16) **Community event.** A charitable, educational, or public event.
- (17) **Community service sign.** A temporary sign that identifies nonprofit associations or corporations, including service clubs.
- (18) **Directional sign.** A sign that directs the location of or route to a use or occupancy.
- (19) **Reserved.**

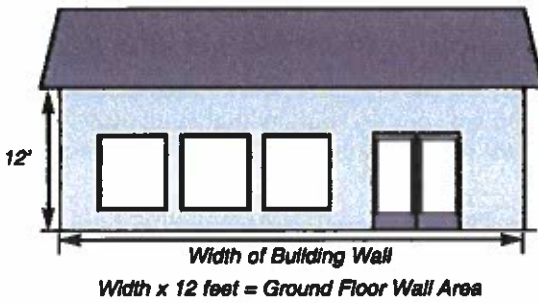
- (20) *Directory sign.* A sign that displays the names and locations of at least five businesses, as well as the locations of related customer convenience services and facilities.
- (21) *Dynamic display.* Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LCD or other monitors, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.
- (22) *Exterior business sign.* A sign located outside a building.
- (23) *Externally illuminated sign.* A sign that is illuminated by a light source that is outside the face of the sign.
- (24) *Fixed message area.* That portion of a permitted sign that is used for a permanent message, such as the name of a business or organization, or its principal service or product. (See Figure 5)
- (25) *Flag.* An official governmental emblem displayed on fabric or other material generally mounted to a pole.
- (26) *Flashing sign.* Any lighted or electrical sign which gives out light or varying intensities of light in sudden intermittent bursts. Noncommercial, electronic message signs, such as time and temperature signs, are not considered flashing signs for the purpose of this ordinance.
- (27) *Freestanding or ground sign.* A nonportable sign supported by permanent uprights or supports in the ground, not attached to any building or structure. (Figure 5)



- (28) *Graphics.* Including, but not limited to, any mosaic, mural, painting, or graphic art technique constructed, molded, painted, etched, or otherwise placed onto a building or structure.
- (29) *Ground floor wall area.* For purposes of this ordinance, the ground floor wall area is the width of the wall multiplied by an assumed standard ground floor height of 12 feet on the wall that the sign is placed. Only that portion of a wall that is visible in its entirety from the street or parking lot and not blocked by adjacent buildings or differing wall planes can be used in the calculation (Figure 6 for a flat wall, Figure 6a for a wall with setback variation).

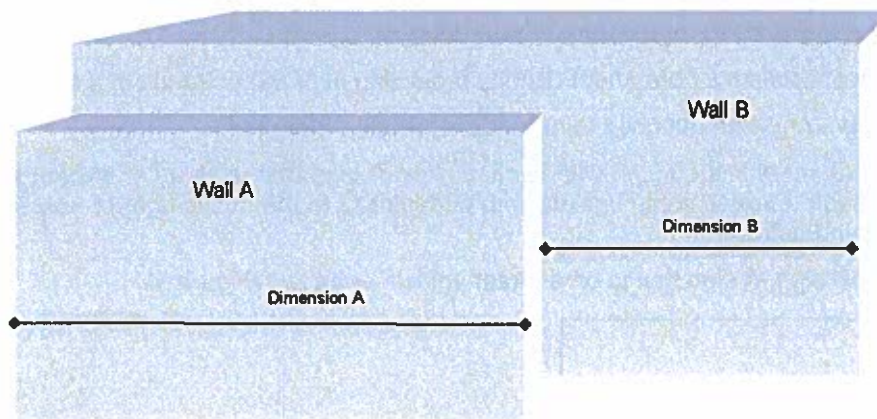
**Figure 6**

**Ground Floor Wall Area**



**Figure 6a**

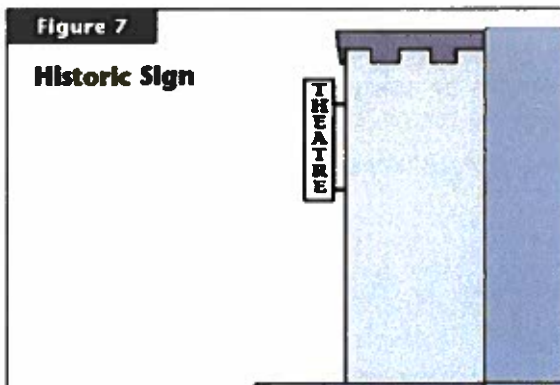
Wall area measurement for Wall A is Dimension A x 12 Feet;  
Wall area measurement for Wall B is Dimension B x 12 Feet;



- (30) *Height.* The vertical distance of a sign measured from the average finished grade level within ten feet of the horizontal limits of the sign structure to the top of the sign structure, including any framework. (See Figure 5)
- (31) *Historic sign.* A sign located on a building or site that is determined by the city's planning commission, or its designated sign committee, to be of historic merit and significance and is an integral element to the historic character of the building or site. Particular consideration shall be given to historic signs on buildings or sites that are listed or fall within a district listed on the National Register of Historic Places (Figure 7)

**Figure 7**

**Historic Sign**

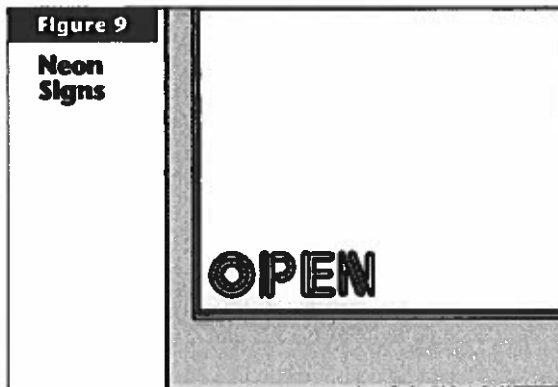




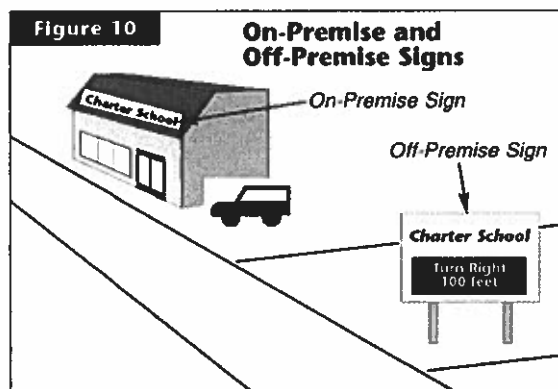
- (32) *Illuminated sign.* Any sign that has characters, letters, figures, or designs, illuminated by electric lights or luminous tubes as part of the sign.
- (33) *Informational signs.* Signs displayed strictly for the direction, safety, or convenience of the public, including signs that identify restrooms, parking area entrances or exits, visitor parking, restricted parking, clearance, freight entrances or the like.
- (34) *Interactive sign.* A sign mounted on a building wall or in a window that is interactive or utilizes touch screens to relay the sign message and are accessed or manipulated from the public right-of-way.
- (35) *Internally-illuminated sign.* A sign that is lighted by a source inside the sign face, behind the sign face, or otherwise backlighting the sign face or message. Only letters, numerals, and logos may be of translucent material to allow internal lighting to reveal the message of the sign. The background shall be opaque. Individual internally-illuminated letters, commonly known as channel signs or dimensional lettering, are permitted.
- (36) *Mansard.* A roof having two slopes with the lower slope much steeper than the upper slope. The lower slope is oriented on a vertical axis and therefore is visible as a part of the building facade. The *mansard cap* is a version of this roof that often is applied to only one facade on the building, particularly one-story commercial structures. *Fascia roofs* and *parapet walls* shall be regulated as a mansard for purposes of this ordinance.
- (37) *Marquee.* A specialized, permanent canopy projecting over the entrance of a movie theater.
- (38) *Marquee sign.* Any sign attached to or made a part of a marquee.
- (39) *Motion- or sound-activated sign with speaker box.* A sign that uses audio-messaging through an exterior speaker box to communicate with pedestrians in the public right-of-way and is either motion- or sound-activated.
- (40) *Motor vehicle sign.* A sign that is on a motor vehicle or trailer. (Figure 8)



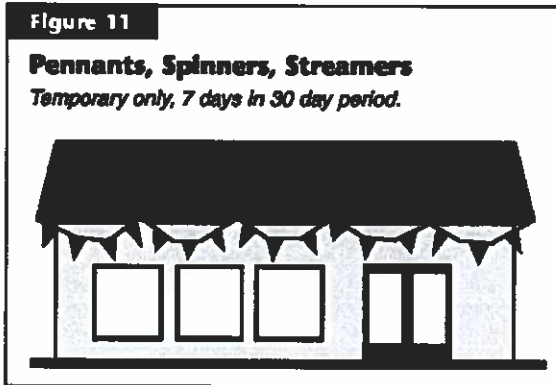
- (41) *Moving sign.* A sign that physically moves or has the appearance of moving.
- (42) *Mural.* A work of decorative art applied on or attached to an exterior wall within public view that does not include graphics or text that can be interpreted as containing commercial advertising or other content intended for commercial purposes.
- (43) *Neon sign.* A sign constructed of thin, visible, molded tubes containing a gas for illumination. (Figure 9)



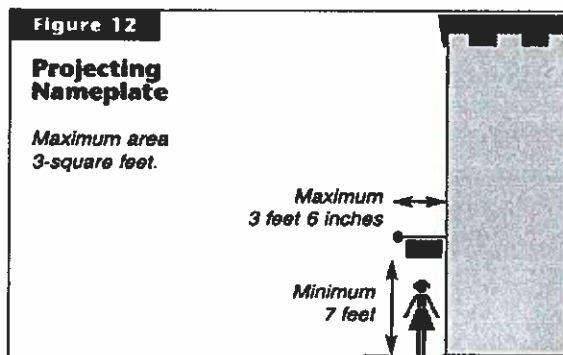
- (44) *Noncommercial sign.* A sign that is not related to or connected with trade or commerce in general.
- (45) *Nonconforming sign.* Any sign that does not conform to the requirements of this ordinance.
- (46) *Off-premise sign.* Any sign located on property that displays a message pertaining to a business, service, good, or activity that is not located on the same property as the sign. (Figure 10)



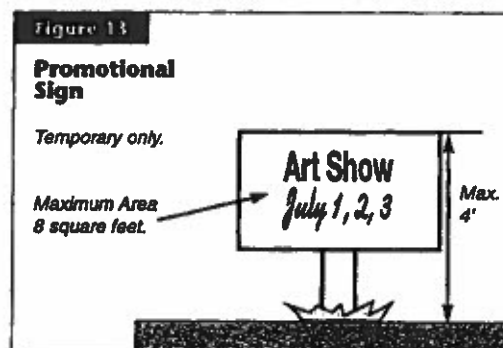
- (47) *On-premise sign.* A sign with a message that relates to a business, service, good, activity, or profession lawfully being conducted, sold, or offered on the same premises.
- (48) *Opaque.* A level of illumination measured directly on the surface of an interior lit sign that does not exceed three foot candles.
- (49) *Overhanging sign.* A fixed message sign that is affixed to any part of a building (but not as a marquee), where the sign surface is perpendicular to the building wall, and the sign is oriented toward viewing by vehicular traffic. Such signs are distinguished from projecting nameplates based upon restrictions in size and height, and the type of zoning districts in which they are permitted.
- (50) *Pennants, spinners, and streamers.* An article of material mounted to a building or suspended from a rope, wire, or string designed to move with the wind in a free-flying manner. (Figure 11)



- (51) *Permanent sign.* A sign of a durable material anchored or secured to a building, accessory structure, or the ground, that is not temporary and has a vertical sign face.
- (52) *Political event sign.* A temporary, unattended sign pertaining to an official city, school district, county, state, or federal election or referendum, or other sign as defined by law.
- (53) *Portable sign.* A sign not permanently affixed, anchored, or secured to the ground or to a structure, including trailered signs, tripods, menu and sandwich board signs.
- (54) *Projecting nameplate.* A fixed message sign typically indicating the name of a residence or business, perpendicular to the building wall, and oriented toward pedestrians in size and location. (Figure 12)



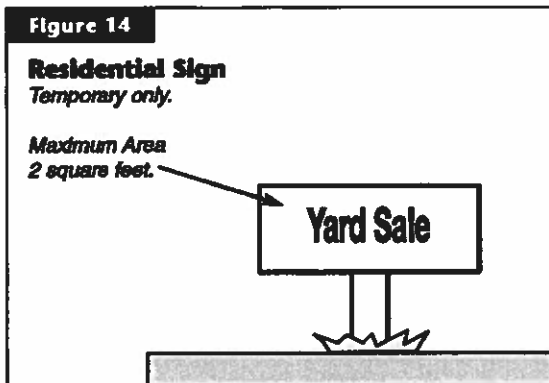
- (55) *Promotional event signs.*
  - a. *Promotional event sign—Directional.* A noncommercial, off-premise sign that is temporarily implanted in a yard or curb lawn area for a community event and regulated by section



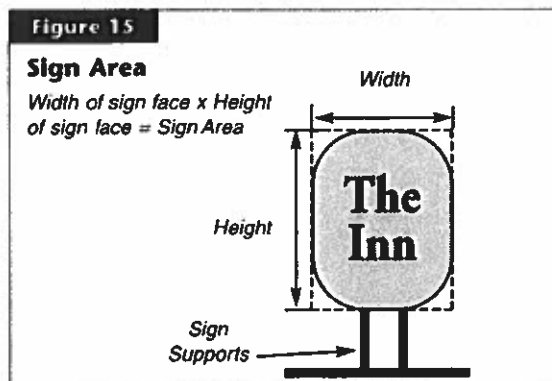
5.1(5). (Figure 13)

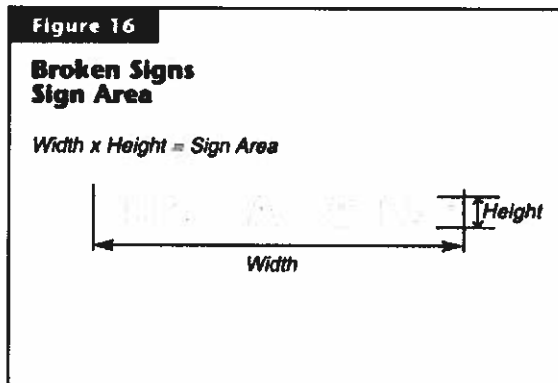
- b. *Promotional event sign.* A temporary sign as regulated by section 5.1.

- (56) *Residential event sign.* A noncommercial sign located in a district zoned for residential uses, identifying a permissible event at a residence, such as a garage sale, yard sale, etc. (Figure 14)

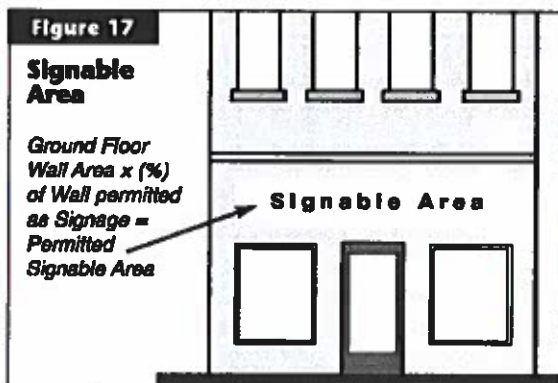


- (57) *Roof sign.* A sign that is located upon, above, or over the roof of a structure, or in the case of a building with a mansard roof, a sign that is above the deck line of the mansard roof.
- (58) *Sandwich board sign.* A professionally-designed, custom-constructed portable sign, also known as a "tent" sign, that is displayed seasonally and temporarily at a storefront.
- (59) *Shopping center.* A retail/service complex, containing five or more businesses, where buildings are physically connected and the businesses share private access drives and parking.
- (60) *Sign.* Any writing, pictorial representation, illustration, decoration, emblem, symbol, design, trademark, or figure that is a structure or a part of a structure or is written, printed, painted, projected, constructed, illuminated, or otherwise placed or displayed upon any structure, building, parcel of land, or within three feet of a window interior that attracts attention to the subject thereof or is used as a means of identification, advertisement, announcement, expression, or decoration and that is visible from a street, right-of-way, sidewalk, alley, park, or other public property.
- (61) *Sign area.* The sign area is the maximum height multiplied by the maximum width of the sign components including any frame or other material or color or open spaces or voids forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. That portion of the sign supports or uprights that exceed in surface area 60 percent of the total permitted sign area and is visibly parallel to the sign face shall require approval of the planning commission as part of a special condition sign. Both sides of a sign structure may be used for sign purposes, provided the sides have a 180-degree, back-to-back relationship. In the case of a broken sign (a sign with letters individually mounted to a wall), the total surface area shall be measured by multiplying the horizontal distance between the outer edges of the two furthestmost letters by the maximum vertical height of any letters in the sign. (Figures 15 and 16)

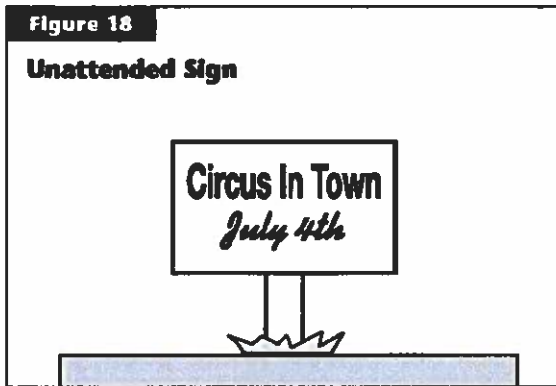




- (62) *Signable area.* The permitted sign area for a particular sign type calculated in accordance with the standards and formulas of this ordinance. (Figure 17)



- (63) *Sign face.* The portion of a sign upon, against, or through which the message is displayed.
- (64) *Sign supports or uprights.* A non-illuminated structure that is used to brace, support, or hold a freestanding sign. (See Figure 15)
- (65) *Subdivision.* A planned residential development consisting of eight or more single-family homes.
- (66) *Temporary sign.* A sign intended to be displayed for a limited period of time.
- (67) *Tent sign.* See "sandwich board sign."
- (68) *Trailer sign.* A sign mounted on a trailer or other wheeled device.
- (69) *Unattended sign.* Any sign that is not handheld or carried by a person. (Figure 18)



- (70) *Wall sign.* A sign that is attached, mounted, or painted directly onto a building wall with the sign face parallel to the building wall. (Figure 19)



- (71) *Warning sign.* Any sign that alerts persons to safety hazards or potential violations.
- (72) *Window area.* The area of a window as measured by the maximum height and maximum width of the window glass, including glass windows in doors.
- (73) *Window sign.* A sign that is either affixed to or within three feet of a door or window interior.

## Sec. 2.2. - Zoning references.

For purposes of this ordinance, "lot," "lot line," "front yard," and similar words shall be as defined in Appendix XX of the Code of Ordinances, the Zoning Ordinance of the City of Mansitee.

## Sec. 2.3. - Illustrations.

The illustrations contained herein are for convenience purposes only. If a conflict arises between the meaning of any text and its corresponding illustration, the text shall control.

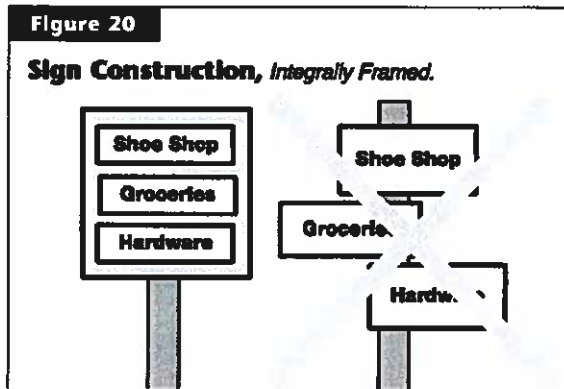
## ARTICLE III. - GENERAL PROVISIONS

### Sec. 3.1. - Provisions applicable to all districts.

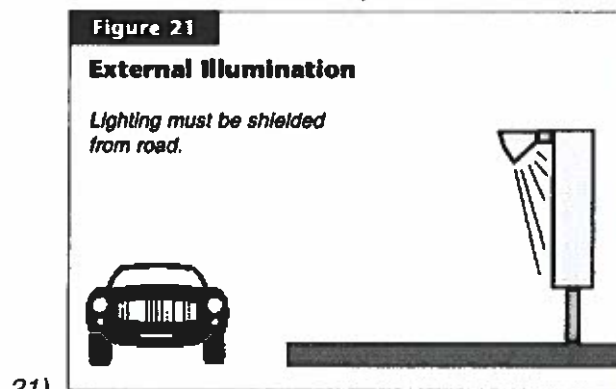
The following provisions shall apply to all districts within the city:

- (1) *Preexisting nonconforming signs.* Any sign that conformed with a sign ordinance in effect at the time said sign was displayed, may be maintained, subject to the provisions herein contained.

- (2) *Sign construction and assembly.* Projecting nameplates, overhanging signs, and freestanding signs shall have a sign face that is an integrally-framed structure and shall not have multiple, attached separate sign units on the face of the sign supports. The entire sign shall be made of materials that maintain this integral character, rather than an assemblage of different sign types and materials. Changeable message signs shall be an integral part of the face of any freestanding sign. In addition, such message signs shall have a uniform dark background with light-colored lettering and satisfy all other conditions of this ordinance. (Figure 20)

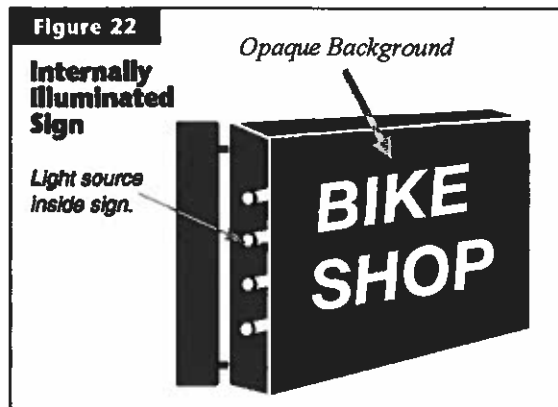


- (3) *Sign installation.* No sign shall be placed, displayed, or installed upon property without the consent of the property owner. Wall-mounted signs, overhanging signs, and projecting nameplates shall be thoroughly secured to a building by metal anchors, bolts, supports, rods, or braces and shall comply with building code requirements for wind loads, snow loads, and dead loads. Independently-mounted letters, figures, or similar message elements shall be safely and securely attached to the sign face and building wall.
- (4) *Sign maintenance.* Signs shall be maintained at all times in a clearly legible and safe condition and shall be kept in good repair. Lighting for a sign shall be maintained in working order.
- (5) *Illumination of any sign.*
- Exterior lighting shall be provided from an external light source attached to the sign and directed only to the face of the sign. Sign light sources shall not exceed 150 watts per sign face and shall be shielded in order to prevent visible glare to passing motorists and shall not be directed so as to trespass or encroach in or upon neighboring properties. (Figure



- 21)
- Interior illumination is only permitted for individual elements within a sign such as letters and graphics, but the entirety of the background shall be opaque and not illuminated. All

illumination shall be steady and stationary in source and intensity ( *Figure 22* ).



(c) Neon signs shall be permitted, as provided in article VI, subsection (6).

- (6) *Address sign.* One address sign shall be placed at the main entrance to each principal structure on any property such that same is plainly legible and visible from the street fronting the property, to assist ambulance, police and fire protection response. (*Figure 23*) Businesses with rear entrances or service doors or alleys shall display the business address with a prefix "R." Wall-mounted address signs shall not exceed two square feet in surface area, and at least one such sign shall show the numerical address of the premises and shall be visible from the street for which the address applies. Address signs identifying a business shall have a minimum



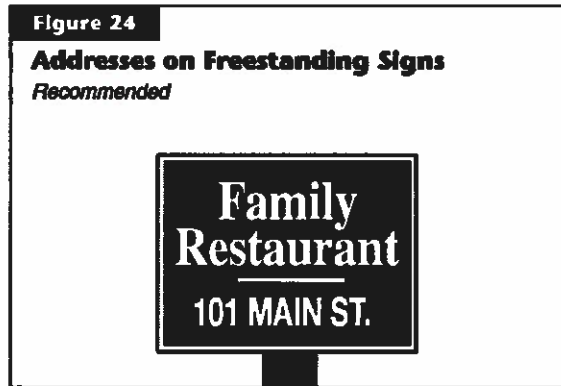
height of six inches.

Residential address signs shall have a minimum height of four inches. Address numbers shall have a minimum width of one-half inch and shall be Arabic numbers or English alphabet letters contrasted with their background to enhance visibility; provided, however, that at least one address display shall be numerical. Freestanding address signs may be provided at single-family residences, not to exceed two square feet in area and five feet in height. Commercial, industrial, institutional, and multi-family uses are encouraged to include an address sign or signs on any freestanding sign on the lot as well.

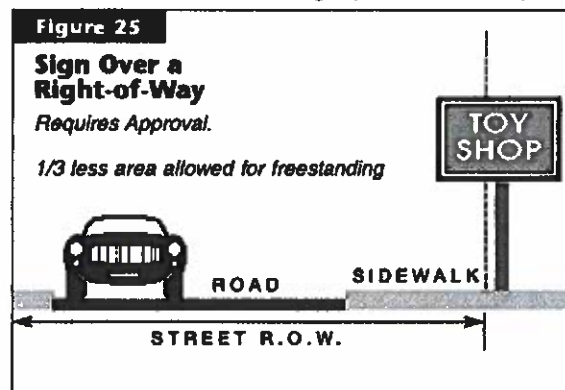
At properties that have three or more principal buildings such as apartment complexes and mixed-use commercial developments, an address-directory sign may be required by the city. The size, height, location and illumination (if any) of the address-directory sign shall be



reviewed and approved by the sign committee upon recommendation from city staff. (Figure 24)



- (7) *Sign in or over a right-of-way.* The placement of any sign that projects more than 30 inches from the building and overhangs a public right-of-way shall be prohibited unless approved by the governmental unit having jurisdiction over that right-of-way and upon satisfaction of all requirements in this ordinance and the city code. Freestanding signs over a right-of-way shall have the sign area permitted reduced by one-third. (Figure 25) Signs, awnings, mansards, canopies, or marquees over a public sidewalk may not project more than five feet from the building to which they are attached and must be a minimum of seven feet, six inches higher than the sidewalk grade, for projections of 42 inches or more. Temporary signs (such as real estate, political event, and residential event signs) shall not be placed in the public right-of-way



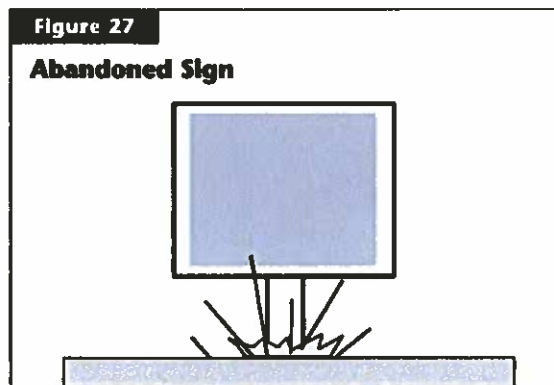
such as curb lawns.

- (8) *Obstructions to any door, window, sidewalk, or fire escape.* No sign shall be erected, relocated, or maintained so as to prevent ingress or egress from any door, window, sidewalk, or fire escape.
- (9) *Sign constituting a traffic hazard.* No sign shall be placed, displayed, or illuminated so as to obstruct or impair driver vision. A sign shall not obstruct the view of any official traffic sign, traffic signal, or traffic marking. Signs that, by reason of their location, shape, size, or color, can be confused with an official traffic sign, signal, or marking, shall not be permitted. Signs which use

beacons, spotlights, or searchlights visible from public rights-of-way are prohibited. (Figure 26)



- (10) *Abandoned sign.* Abandoned signs shall be removed in accordance with their status as to conformity. Where such signs are nonconforming in size, or height, or other features, they shall be removed within **90 days**. Where the sign is conforming but abandoned they shall be removed after **one year**. Any abandoned conforming sign or abandoned nonconforming sign or sign structure may be removed by the city at the expense of the property owner. (Figure 27)



- (11) *Sign constituting a public nuisance.* If a sign is determined to be a **public nuisance, as defined in chapter XX of the City of Manistee Code of Ordinances, it shall be abated in accordance with the procedures provided in said chapter 13.**

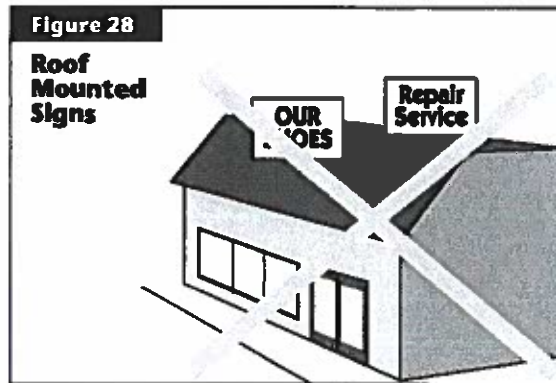
(Ord. No. 762, §§ 1, 2, 5-7-2018)

#### ARTICLE IV. - PROHIBITED SIGNS

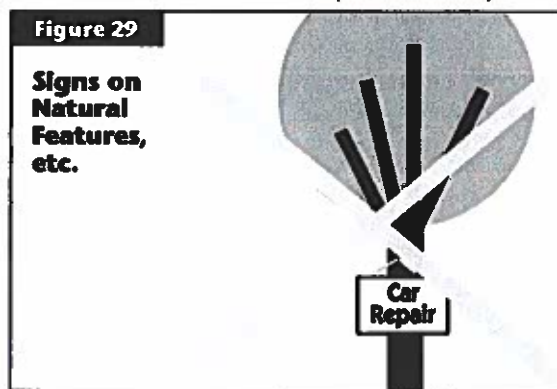
##### Sec. 4.1. - Signs prohibited.

The following interior and exterior signs are prohibited in all districts, except as otherwise provided in this ordinance:

- (1) Signs which incorporate in any manner any flashing or moving lights.
- (2) Phosphorescent or luminescent signs.
- (3) Dynamic displays as defined in section 2.1(21). This section does not prohibit barber poles designated as historic signs.
- (4) Trailered signs that are placed upon or attached to a trailer or other wheeled device for display.



- (5) Roof-mounted signs. (Figure 28)
- (6) Signs painted, posted, or mounted on trees, rocks, or other natural features, fences, fence posts, light poles, benches, flower boxes, and perimeter or privacy walls, and telephone or utility



poles. (Figure 29)

- (7) Any sign or sign structure that the city determines is structurally unsafe.
- (8) Interactive signs.
- (9) Motion or sound activated signs with speaker box.
- (10) Off-premise signs.
- (11) Permanent window signs on upper stories of buildings.

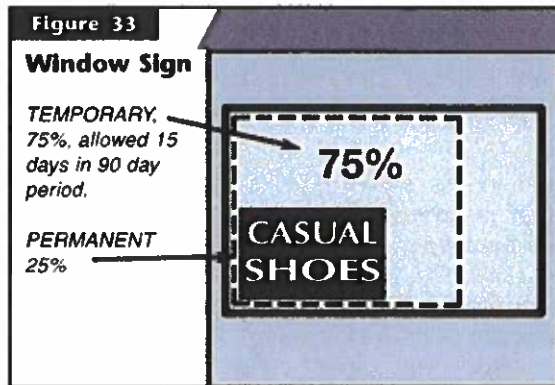
## ARTICLE V. - PERMITTED TEMPORARY SIGNS

### Sec. 5.1. - Permitted temporary signs in all districts.

In addition to permanent signs regulated through this ordinance, a property may have up to two temporary signs (either ground or wall mounted) during the following events subject to the stated restrictions and those included in table 5.1(1).

- (1) *Signs not requiring a permit.*
  - a. A property is for sale.
  - b. A property is under construction.

- c. Temporary window signs that occupy no more than 75 percent of a total window's area are permitted for a maximum of 15 days in a 90-day period. (Figure 33)



- d. Attended, noncommercial signs such as handheld political placards and demonstration pickets shall be permitted, subject to all applicable local, state, and federal laws.
- e. Political event signs on private property shall be removed within 15 days following the political event to which the sign pertains.
- f. Pennants, spinners, streamers, and balloons and similar temporary display devices, attached only to the principal building on a site, are permitted for not more than seven days in a 30-day period. Temporary display devices must clear seven feet, six inches if they project into the right-of-way and cannot exceed six square feet. (Figure 34)

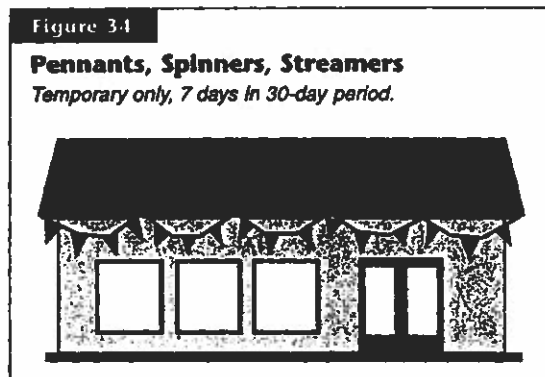
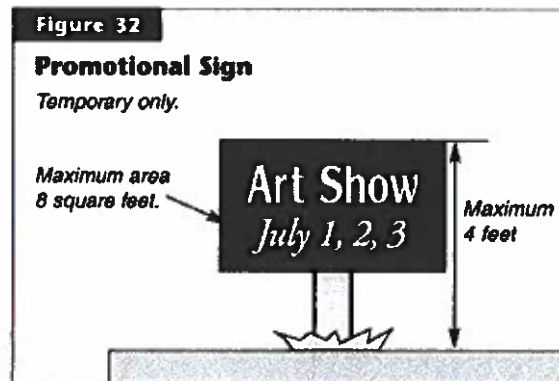


Table 5.1(1) Temporary Sign Regulations

Zoning District	Maximum Height	Maximum Area
R-1, R-2, R-3	Five feet	Six square feet
RM-1, RM-2, B-1, B-2, 8-2A, B-28, O-S	Five feet	32 square feet
8-3, 8-3A, B-38, 1-1, 1-2	Eight feet	50 square feet

(2) *Signs requiring a permit.*

- a. A special event to be held on the property. Said signage shall not be on display for more than 17 days in any 120-day period. Further zoning district restrictions may supersede this time limit.
- b. Promotional event signs placed in the public right-of-way that provide directions to a community event in the city that is sponsored by a unit of government or a nonprofit organization. Said signage shall be permitted for a period not to exceed five days. Such signs for events such as art fairs, circuses, festivals, etc., shall be permitted, not exceeding eight square feet in area and four feet in height. The number of signs, sign area, and sign location shall be approved by the city prior to installation. Promotional event signs shall be removed within 48 hours after the event that they identify. (Figure 32)

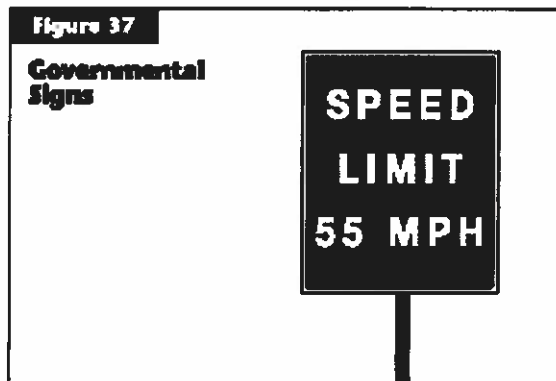


ARTICLE VI. - PERMANENT SIGNS

Sec. 6.1. - Permitted permanent signs.

The following permanent signs are permitted in all districts, subject to the restrictions herein contained and shall not require permits for erection:

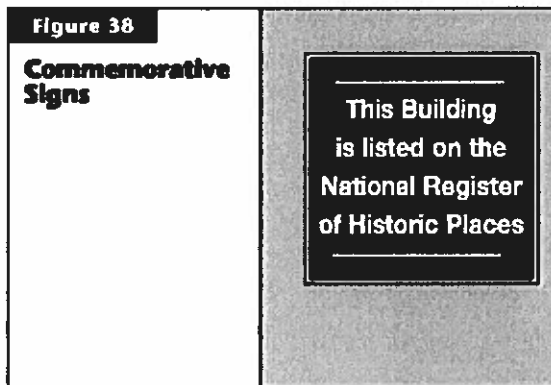
- (1) *Governmental signs.* Governmental signs of a branch of local, state, or federal government, including traffic or similar regulatory devices, or signs required to be maintained or posted by law or governmental order, rule, or regulation. (Figure 37)



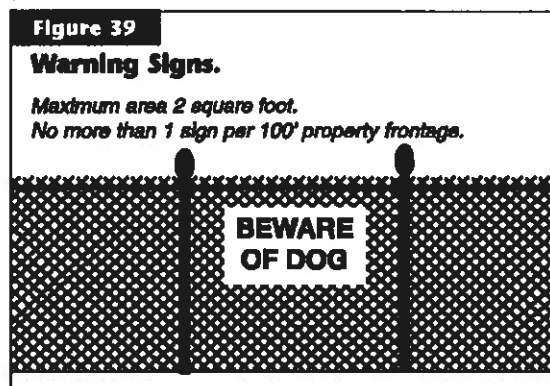
- (2) *Flags or emblems.* Flags or emblems of governmental, civic, philanthropic, educational, or religious organizations, provided that the height of any flagpole shall not exceed 30 feet. Parcels having fewer than 100 primary street-frontage feet shall be permitted one permanent flagpole, and parcels having more than 100 feet of primary street frontage shall be permitted one

permanent flagpole for each 100 feet of primary street frontage, not to exceed a maximum of three flagpoles. Temporary displays for periods not exceeding seven days in any 90-day period may exceed this standard.

- (3) *Commemorative signs.* Commemorative signs such as historical markers, memorial plaques or tablets, and the like mounted on buildings that do not exceed one square foot may be approved by staff upon applicant documentation of historic significance. This does not include cornerstones, date stones or other features integral to the building. Freestanding commemorative signs placed upon public property are subject to review and approval by the local, state or national government with jurisdiction. (Figure 38)



- (4) *Accessory signs.* Signs on accessory structures greater than 100 square feet in floor area such as storage sheds, outbuildings, warehouses shall not exceed ten percent of the mounting wall.
- (5) *Warning signs.* Warning signs such as "No Trespassing," "No Hunting," "Danger," and "Beware of Dog," not exceeding two square feet in area and no more than one sign per 100 feet of



property frontage. (Figure 39)

- (6) *Permanent window signs.* A business shall be permitted interior signs (including neon) that occupy not more than 25 percent of the total window area of the first floor level only in the B-1, B-2, B-3, B-3a, B-3b, I-1, I-2, and O-S districts. The total permanent window signage for a building shall not exceed 24 square feet. Neon signs exceeding 25 percent of the window area shall be reviewed as special condition signs (section 8.2(g)).
- (7) *Murals.* Murals subject to staff review that there is no commercial purpose or message included, except no murals are permitted on any structure that faces a public street or public park. Murals shall be maintained at all times in a safe condition and kept in good repair.

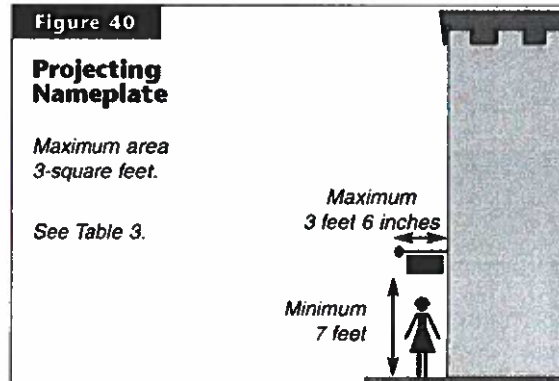
## ARTICLE VII. - SIGNS REQUIRING A PERMIT

### Sec. 7.1. - On-premise signs.

The following on-premise signs may be erected, altered, or relocated in accordance with the regulations of this section and subject to the permit requirements of article X.

- (1) *Projecting nameplate signs.* One projecting nameplate sign (*Figure 40*) shall be allowed for each ground floor use that fronts a public right-of-way or alley and one projecting nameplate sign shall be allowed for each below-ground-floor use that has direct access to a public right-of-way or alley, subject to the following conditions:

- a. The projecting nameplate shall not extend beyond three feet, six inches from the building wall;
- b. The projecting nameplate shall not be internally illuminated;
- c. Projecting nameplates may be permitted in the RM-1, RM-2, O-S, B-1, B-2, B-3, B-3a, and B-3b districts only where a property does not or cannot have a freestanding sign; and



- d. The height and area of projecting nameplates are restricted according to the following schedule:

Table 3 PROJECTING NAMEPLATES			
<i>Zoning District</i>	<i>Minimum Height In Feet</i>	<i>Maximum Height In Feet</i>	<i>Maximum Area*</i>
RM-1, RM-2	7'	10'	3-Square Feet
O-S, B-1, B-2, B-3, B-3a	7'	15'	3-Square Feet

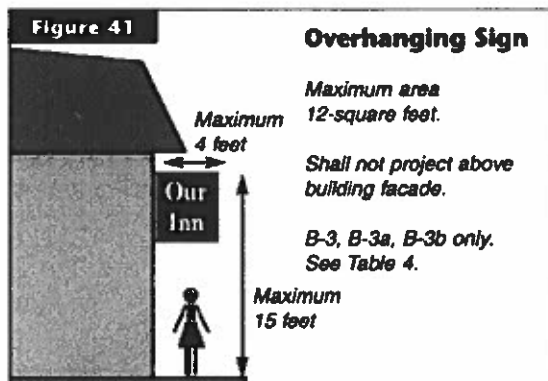
\*Circular projecting nameplates may have a sign area of 3.83 square feet.

- (2) *Overhanging signs.* One overhanging sign per commercial building shall only be permitted in the B-3, B-3a or B-3b districts where a lot does not or cannot (due to setback restrictions) have a freestanding sign. (*Figure 41*). Projecting nameplates meeting the area and height requirements of subsection 7.1(1) may be substituted for the overhanging sign, provided that there is only one such nameplate per ground-floor use, or per use below ground with direct access to a public right-of-way.

- a. Height and area of overhanging signs are restricted according to the following schedule:

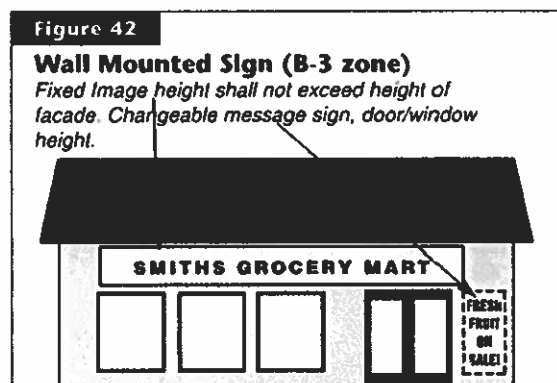
<b>Table 4 OVERHANGING SIGNS</b>			
<i>Zoning District</i>	<i>Minimum Height In Feet</i>	<i>Maximum Height In Feet</i>	<i>Maximum Area</i>
<b>B-3, B-3a, B-3b</b>	<b>10'</b>	<b>15'</b>	<b>12-Square Feet</b>

- b. No part of an overhanging sign shall exceed the height of the building facade or extend



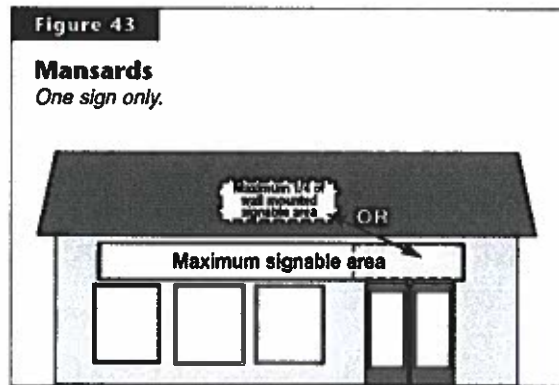
more than 48 inches in width.

- c. Such signs shall not be mounted on the corner of a building or be closer than four feet from the corner of the building.
- (3) *Wall-mounted signs.* Wall-mounted signs shall be permitted in all districts, subject to the following restrictions:
- a. Such signs shall be mounted such that no part of the sign is higher than the height of the facade of the building upon which it is mounted. (Figure 42)



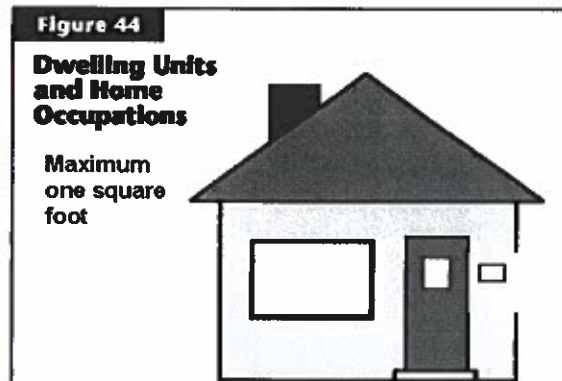


- b. Mansards may have only one sign per business, not exceeding one-fourth of the total wall-mounted, signable area and permitted only on the front of the building mansard. (Figure

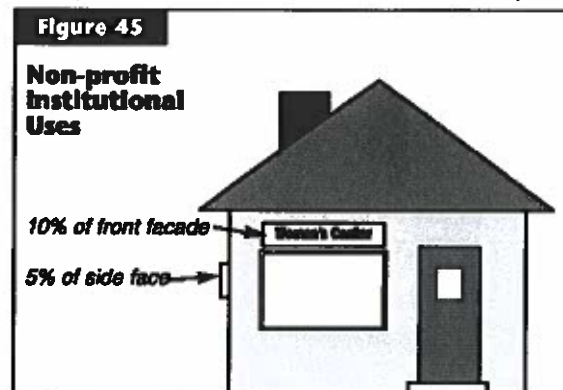


43)

- c. Home businesses are allowed a single business identification sign, not exceeding one square foot, to be wall-mounted at the entrance. (Figure 44)



- d. The wall-mounted sign area for nonprofit institutional uses located in residential zones shall be limited to ten percent of the front facade and five percent of the side or rear facades.



(Figure 45)

- e. The total area of all wall-mounted signs in commercial districts shall be restricted according to the following schedule:

<b>Table 5 AREA OF WALL MOUNTED SIGNS</b>			
<i>Zoning District</i>	<i>% Of Ground Floor Wall Area On Front Façade</i>	<i>% Of Ground Floor Wall Area On Rear Façade</i>	<i>% of Ground Floor Wall Area On Side Facades</i>
B-1, O-S	15	10	5
B-2, B-2A, B-2B	15	10	10
B-3, B-3a, B-3b, I-1, I-2	20	10	10

The size, location, design, and number of any such signs are subject to review by the sign committee. After final facade approval, no additional signs shall be added to such facades, unless approved by the sign committee. (See also subsection 8.2(a))

- f. Changeable message area signs (where permitted) are permitted only on those facades that front directly on a public right-of-way or parking area. Changeable message signs shall not exceed the maximum height of windows or doors on the first-floor facade. (See Figure 42)
- g. Changeable message area signs shall be restricted according to the following schedule:

<b>Table 6 CHANGEABLE MESSAGE AREA</b>		
<i>Zoning District</i>	<i>% Of Signable Wall Area</i>	<i>Other</i>
See Permitted		
R-1, R-2, R-3, RM-1, RM-2	Not Permitted	Temporary Signs
B-1, O-S, B-2, B-2A, B-2B	See item (h) below	See Interior Business Signs
B-3, B-3a, B-3b	30%	

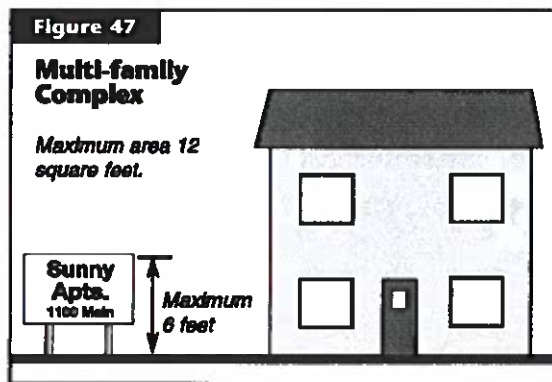
- h. In the B-1, B-2, B-2A, B-2B and O-S zoning districts, buildings are permitted a maximum of one, six-square-foot, changeable message area sign per building entrance to provide upper floor directories, restaurant menus, and the like.
- i. Awning signs shall be limited to signage on the valance only, or if there is no valance signage shall be within the bottom 12 inches of the awning, and shall count toward the allowable maximum wall-mounted sign area.
- (4) *On-premise, freestanding signs.* On-premise, freestanding signs, where the building has a front yard setback of at least ten feet, shall be limited to one such sign per lot in the front yard area of

the lot. Placement and setback of such signs shall be determined in accordance with the



standards in subsection 10.1(e). (Figure 46).

- a. Freestanding signs identifying a multi-family residential complex or subdivision in any district shall be restricted to a maximum area of 12 square feet and a maximum height of



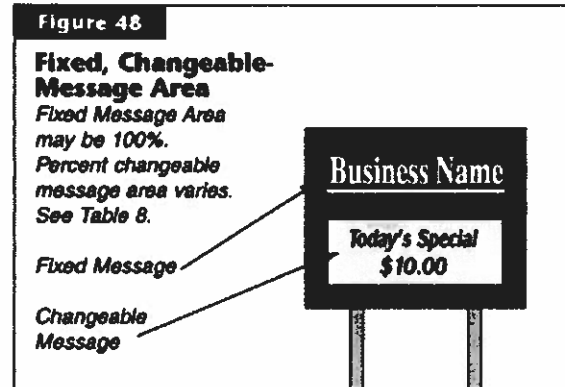
six feet. (Figure 47)

- b. The area and height of freestanding signs identifying a business or service are restricted according to the following schedule:

Table 7 FREESTANDING SIGNS		
Zoning District	Maximum Height In Feet	Maximum Sign Area In Square Feet*
O-S, B-1, B-2, B-2A, B-2B	8	12
B-3a, B-3b, B-3, I-1, I-2	8	30

\*See Article iii, page 18, freestanding signs over a right-of-way

- c. All freestanding signs may have up to 100 percent of the sign face in fixed message area. Such freestanding signs shall have a maximum changeable message area in accordance

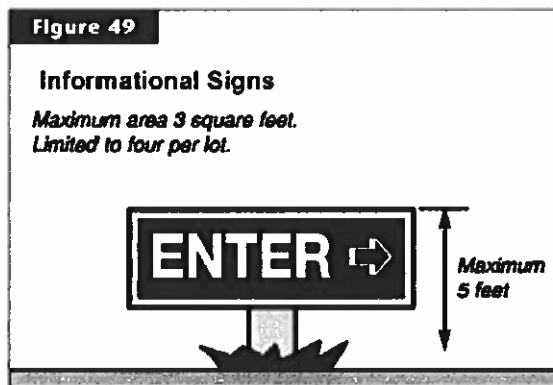


with the following schedule: (Figure 48)

- d. A building or plaza with four or more businesses may increase the area of a freestanding sign by six square feet per additional business, not to exceed a maximum sign size of 42 square feet.

Table 8		FREESTANDING SIGNS	
<i>Zoning District</i>		<i>Maximum % Sign Face In Changeable Message</i>	
O-S, B-1, B-2B, I-1, I-2		25	
B-3, B-3a, B-3b		40	

- (5) *Informational signs.* Informational signs, each not exceeding three square feet in surface area and nor more than four signs per lot, displayed strictly for the direction, safety, or convenience of the public, including signs that identify restrooms, parking area entrances or exits, visitor parking, restricted parking, clearance, freight entrances or the like. Any additional informational sign, not exceeding three square feet in surface area, may be permitted subject to the approval of the sign committee upon showing sufficient need. The maximum height of entrance and exit signs for driveways and/or parking areas shall be five feet (Figure 49)



- (6) *Sandwich boards.* Sandwich board signs shall be permitted in the Central Business District (B-2), Transitional Business District (B-2A) and Mixed Use Corridor (B-2B) on private or public property, subject to the following conditions.
- a. One sandwich board sign is permitted per each ground-floor business. All such signs shall be subject to review and approval by the planning commission, or its designated sign committee, prior to placement, in accordance with these standards.

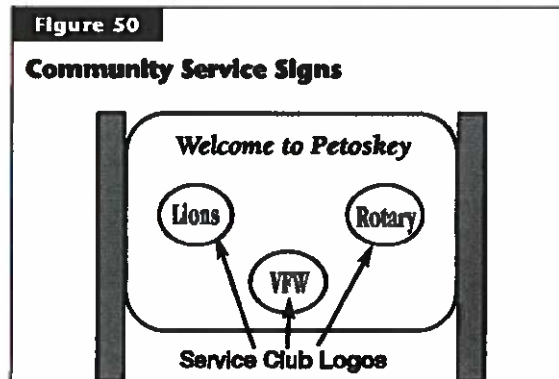
- b. A business shall be permitted to display sandwich board sign year round, during the business hours of the business displaying the sign.
- c. Sandwich board signs shall display a permit, as issued by the city, that is visible from the street.
- d. Sandwich board signs shall not exceed six square feet in area and four feet in height.
- e. Sandwich board signs on private property shall not obstruct doorways.
- f. Sandwich board signs on a public right-of-way/sidewalk shall be kept within 24 inches of the building face and within six feet of the building entrance for the business to which the sign pertains and shall not obstruct pedestrian traffic or impede maintenance and/or snow and ice removal.

## ARTICLE VIII. - SPECIAL CONDITION SIGNS

Sec. 8.1. - Reserved.

Sec. 8.2. - Special condition signs.

- (a) Signs may be permitted by special review or exception, as special condition signs, upon approval by the sign committee, as provided below:
  - (1) Community service signs with particular consideration given for shared individual signs identifying more than one service club or civic organization. (*Figure 50*)

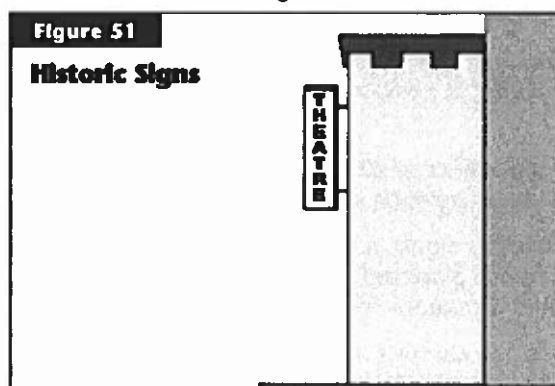


- (2) Off-premise, directional signs of fewer than or equal to three square feet that pertain to a public service institution (such as hospitals, schools, etc.).
- (3) Directory signs that do not exceed the maximum restrictions by type of sign for wall-mounted or freestanding signs in the district where the property is located. (*See tables 4 and 5*). Businesses identified on such signs shall each have an equal portion of the sign area. The planning commission, or its designated sign committee, may require that a directory sign identify more businesses or services in order to minimize the total number of signs.
- (4) Historic signs may be maintained, restored, or renovated subject to review of the sign and historic designation. Particular consideration shall be given to historic signs on buildings or sites that are listed or fall within a district listed on the National Register of Historic Places and that can be proven to have been in place a minimum of 50 years having one or more of the following characteristics:
  - a. Associated with historic figures, events or places specific to the city;
  - b. Significant as evidence of the history of the product, business or service advertised;
  - c. Significant as reflecting the history of the building or the development of the historic district—a sign may be the only indicator of a building's historic use;

- d. Characteristic of a specific historic period, such as gold leaf on glass, neon, or stainless steel lettering;
- e. Integral to the building's design or physical fabric, as when a sign is part of a storefront made of Carrara glass or enamel panels, or when the name of the historic firm or the date are rendered in stone, metal or tile;
- f. Removal can harm the integrity of an historic property's design, or cause significant damage to its materials; or
- g. Local landmarks, that is, signs recognized as popular focal points in the city.

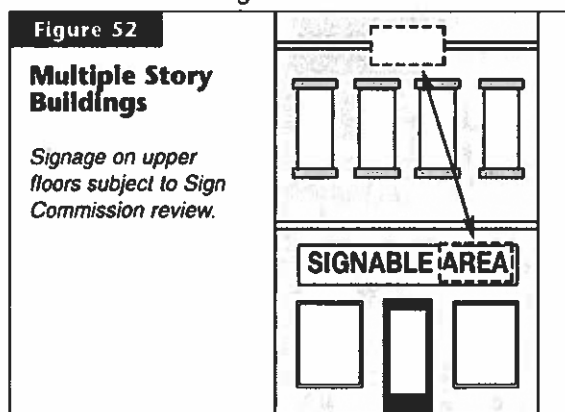
Signs that violate the prohibited category of the ordinance may not be considered for historic designation.

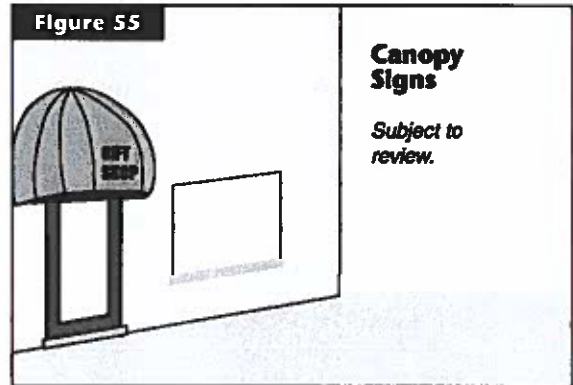
Reinstallation of a sign at its historic premises, where the business no longer exists in the specific building, may be approved by the planning commission upon application and documentation of information listed above. In no case shall the planning commission approve an historic business sign that increases total allowable sign area more than 25



percent.

- (5) Wall-mounted signs above the first floor of a multiple-story building. (Figure 52)





- (6) Marquee, canopy signs. (Figures 53 and 55)
- (7) Exterior neon signs exceeding three square feet and interior window neon signs exceeding 25 percent of the window area shall be subject to review and approval.
- (8) Unique conditions may permit greater sign height or area in individual cases where the planning commission, or its designated sign committee, determines that unique site conditions such as unusual site or building size, shape or topography, deep building setbacks, building facades obscured from the street, a nonconforming use, building facade limitations, etc. warrant such an exception.
- (9) The size, location, and/or placement of all signs in subsections (1)—(7) shall also be reviewed, in accordance with the standards set forth in subsection 10.1(e).
- (10) Non-illuminated, freestanding signs for public, nonprofit institutional uses in residential districts shall be reviewed by the planning commission but in no case shall a freestanding sign exceed four feet in height and 12 square feet in area.
- (11) Signs for institutional uses in a campus setting shall be reviewed by the planning commission for location, number and size. In no circumstance shall freestanding signs exceed ordinance allowances in the B-3A resort commercial district, nor shall wall-mounted signs exceed ten percent of the front facade wall area nor five percent of the side or rear facades.
- (12) One off-premise, wall-mounted sign not to exceed three square feet may be approved by the sign committee in situations where a business in the Central Business District has no street or public sidewalk access and the visibility of the business is clearly restricted. If there are multiple signs for vision-obstructed businesses on a single wall, the location of all signs shall be coordinated and part of the sign committee review.
- (b) *Procedures and considerations for special condition signs.*
- (1) Special condition signs shall be reviewed as to size, location, placement, etc. with consideration of the standards as set forth in subsection 10.1(e).
- (2) The planning commission, or its designated sign committee, may impose conditions necessary to protect the public health, safety, and welfare of the community.
- (3) In no case shall a sign have more than one-quarter greater sign area and one-quarter greater sign height than allowed in the applicable sign provisions pertaining to a sign.
- (4) Where deemed necessary, the planning commission, or its designated sign committee, may require a petitioner to install a mock-up of a proposed sign to assist with evaluation of the proposed height or area exception.
- (5) Public notice of the time, date, and place of an appeal of a sign review decision made by the planning commission, or its designated sign committee, shall be provided in advance of the meeting during which the appeal will be considered.

## ARTICLE IX. - NONCONFORMING SIGNS

### Sec. 9.1. - Restrictions upon nonconforming signs.

- (a) Nonconforming signs shall be restricted as follows:
- (1) *Expansion, enlargement, and alteration.* Nonconforming signs shall not be structurally altered so as to prolong the life of the sign, such as to change the shape, size, type, design, or face of the sign. Nonconformities shall not be enlarged, expanded, or extended.
  - (2) *Reestablishment.* A nonconforming sign shall not be reestablished or displayed after the activity, business, or usage to which it relates has been discontinued for 90 days or longer. A conforming sign shall not be reestablished or displayed after the activity, business, or usage to which it relates has been discontinued for one year.
  - (3) *Reconstruction.* Should any nonconforming sign or any portion thereof be destroyed by any means, to the extent of 60 percent or more, it shall be reconstructed only in conformity with the provisions of this ordinance.
  - (4) *Relocation.* Should any sign be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
  - (5) *Maintenance.* Nonconforming signs may be maintained in their present shape, size, and materials with ordinary repairs so as to remain in a safe condition and to avoid unsightly deterioration.
  - (6) *Removal.* All signs within the prohibited category shall be removed within **30 days** of the effective date of this ordinance.
- (b) *Relocation of on-site elements.* If the owner of a sign or the premises on which a sign is located changes the location of a building, property line, or sign, or changes the use of a building such that any sign on the premises is rendered nonconforming, such sign shall be made to conform to this ordinance.
- (c) *Relocation of off-site elements.* No person shall be required to remove a sign that was erected in compliance with this ordinance if said sign becomes nonconforming due to a change occurring after the effective date of this ordinance in the location of buildings or streets where such change is beyond the control of the owner of the sign and the premises on which the sign is located.
- (d) *Temporary sign change—Conformity.* The following types of signs shall be removed or altered to conform to this ordinance within 30 days from the effective date of this ordinance:
- (1) Tripod, sandwich board, and portable signs, and
  - (2) Temporary signs that do not conform to article V of this ordinance.
- (e) *Condemnation.* Upon approval of city council, pursuant to applicable law, the city may acquire by condemnation an interest in privately-owned nonconforming signs for the purpose of removal of such nonconforming signs to promote the public health, safety, and welfare of the city and its inhabitants. Just compensation, as defined by applicable law, shall be paid any owners for residual value of a nonconforming sign that is condemned pursuant to this section.

## ARTICLE X. - ADMINISTRATION AND ENFORCEMENT

### Sec. 10.1. - [Authority, permit requirements and procedures.]

- (a) *Authority for administration and enforcement.* The city manager, city planner or department of public safety shall administer and enforce the provisions of this ordinance.
- (b) *Procedures for review and permitting.* No sign identified in articles VII or VIII shall be erected, altered, or relocated unless approved by the city, pursuant to the provisions of this ordinance and the following:



- (1) *Permits required.* Signs identified in articles VII and VIII shall require permits for installation.
- (2) *Sign committee review.* All signs subject to review shall be reviewed by staff, except as otherwise required by this ordinance. Where a petitioner is not satisfied with a decision of staff, it may be appealed to the full planning commission.
- (c) *Permits not required.* All other signs permitted in this ordinance shall not require permits but shall be regulated as provided in this ordinance.
- (d) *Servicing and repair.* No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No permit is required for periodic message changes for changeable message signs, but not including changes to a sign which requires a new permanent face.
- (e) *Application for sign permit.* A completed application for a sign permit shall contain or be accompanied by the following:
  - (1) *Sign location drawing.* Distance measured in feet and inches from the sign in relation to nearby buildings, sidewalks, street curbs, structures, other on-site signs, and property lines shall be shown.
  - (2) *Sign elevation drawing.*
    - a. Height of the sign above the ground and support structure(s).
    - b. Area and dimensions of sign surface.
    - c. Lettering of the sign shall be graphically shown to scale as it will appear on the erected sign, shall be in the style of the finished sign, and shall be illustrated to approximate the size and weight of the lettering of the final constructed sign.
    - d. Materials and colors to be used on the sign face and support structures shall be labeled.
    - e. Method of illumination, if any, shall be shown. In the case of internally-illuminated signs, the drawing shall identify which part of the sign is translucent and which part is opaque.
  - (3) *Load calculations.* If deemed necessary by the city manager, or the city manager's designee, structural calculations must certify that a sign is designed to withstand snow load, dead load, and wind load in accordance with applicable city, state, and federal regulations.
  - (4) *Registered seal.* At the discretion of the city manager, or the city manager's designee, for public safety concerns, the application shall bear the certificate or seal of a registered architect or engineer as a condition precedent to the issuance of the permit.
  - (5) *Certificate of insurance.* The city manager, or the city manager's designee, may require an applicant to obtain a certificate of insurance for installation of freestanding or overhanging signs.
  - (6) *Location staking.* With two stakes erected to designate the vertical height and located at the horizontal limits of the sign structure, the proposed location of freestanding signs shall be identified by an applicant prior to review by the city.
  - (7) *Graphic illustration.* The planning commission, or its designated sign committee, may require photographs, markings on buildings, mockups, spec sheets, catalogs, or other necessary illustrations in order to evaluate a proposed sign and its impacts.
  - (8) *Other information.* The city may require additional information to show full compliance with this and all other applicable laws.
  - (9) *Permit fee.* A fee must be paid for signs requiring permits, in accordance with the city's schedule of fees.
  - (10) *Expiration of permit.* All permits issued for the erection of a sign shall expire, unless authorized work commenced within six months after issuance of the permit.
- (f) *Planning commission authority.* Where the city planning commission, or its designated sign committee, is empowered to approve certain signs under the provisions of this ordinance, the

applicant shall furnish such surveys, plans, or other information as may be reasonably required by said commission for the proper consideration and investigation of the matter.

The planning commission, or its designated sign committee, may impose such conditions or limitations in granting approval as may in its judgement be necessary to fulfill the intent and purposes of this ordinance.

The planning commission may delegate decisions in accordance with this ordinance to a committee, herein called the sign committee, consisting of no fewer than three members, of which at least one shall be a planning commission member. A quorum shall be two members of the committee.

(g) *Standards for sign review.* In reviewing signs, the planning commission, or its designated sign committee, shall consider the following standards as a basis for approving a sign and establishing setback, location, and placement of signs:

(1) Relationship of the sign to surrounding properties and rights-of-way:

- a. Compatibility with adjacent land uses and signs.
- b. Visibility of neighboring signs or buildings.
- c. Visibility and legibility of the sign for pedestrian and vehicular traffic.
- d. Lighting trespass impacts.

(2) Relationship of the sign to features on the site of the sign installation:

- a. Suitability of the sign and its location relative to particular site characteristics such as yard areas, vegetation, topography, and the like.
- b. Compatibility of the sign with the size, location, and character of the principal building(s) on-site.
- c. Impact of the sign upon on-site vehicular and pedestrian circulation.

(3) Impact of the sign upon the city townscape:

- a. Impact of the sign upon views of prominent natural features such as Little Traverse Bay, the Bear River, etc.
- b. Impact of the sign upon views of the city skyline and its environs.
- c. Impact of the sign upon parks and public spaces.
- d. Impact of the sign upon historic buildings or properties.

(4) Appearance and character of the sign:

- a. Sign evaluation guidelines prepared by the sign committee as adopted and amended by the planning commission shall be used to evaluate sign appearance and character.
- b. Facade and design review standards shall meet the standards of the planning commission.

(5) Impacts of the sign upon public safety:

- a. Visibility of traffic safety devices.
- b. Visibility of pedestrians and vehicles entering or exiting the site or on adjacent rights-of-way.
- c. Impacts of sign lighting upon vehicular traffic.
- d. The safety of the placement of the sign.

(6) Consistent with the intent and purposes of this ordinance.

(h) *Interpretation and conflict.* The standards and provisions of this ordinance shall be interpreted as being the minimum requirements necessary to uphold the purposes of this ordinance. Whenever this ordinance imposes a higher standard than required by other regulations, ordinances or rules, or by

easements, covenants, or agreements, the provisions of this ordinance shall govern. When the provision of any other statute imposes higher standards, the provisions of such statutes shall govern. Where it is alleged by a petitioner that there is an error in interpretation of this ordinance by the city manager, or the city manager's designee, or the sign committee, the planning commission shall review such an appeal. The concurring vote of six members of the planning commission shall be necessary to reverse any interpretation of the ordinance by the city manager, or the city manager's designee, or a decision by the sign committee.

(i) *Municipal civil infractions.*

- (1) a. Any person, firm or corporation violating any of the provisions of this ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine pursuant to the City of Manistee Municipal Civil Infraction Ordinance, as amended, plus costs and other sanctions, for each violation (as authorized by Section 24 of Act 184 of the Public Acts of Michigan of 1943, as amended, the City of Manistee Municipal Civil Infraction Ordinance, and other applicable laws).
- b. Repeat offenses under this ordinance shall be subject to increased fines, as provided by the City of Manistee Municipal Civil Infraction Ordinance, as amended from time to time.
- c. Each day on which any violation of this ordinance occurs or continues constitutes a separate offense, subject to separate sanctions. The paying of a fine or sanctions under this ordinance shall not exempt the offender from meeting the requirements of this ordinance.
- d. The zoning administrator, city planner or the city manager's designee (as defined by the municipal civil infraction ordinance, as amended) are hereby designated as the authorized city officials to issue municipal civil infraction citations for violations of this ordinance.
- e. A violation of this ordinance is deemed to be a nuisance, per se. In addition to any remedies available at law, the city may bring an action for an injunction or other process against any person to restrain, prevent or abate any violation of this ordinance.

(j) *Public nuisance and health hazard.* Any sign constituting an immediate hazard to health and safety shall be deemed a nuisance and may be removed by the city at the sign owner's expense.

(k) *Impoundment of illegal temporary signs.* Illegal temporary signs that are on display at any time more than 24 hours after notice to the property owner may be impounded by the city, pursuant to the impoundment policy established by the city manager.

ARTICLE XI. - SEVERANCE CLAUSE

Sections of this ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by a court of competent jurisdiction to be unconstitutional or invalid, such holding shall not affect the validity of this ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE XII. - VESTED RIGHT

Nothing in this ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular sign or signs, and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protections of public health, safety and welfare.